

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)
) Case No. 1:15-CR-00033-3
) (RJA) (HBS)
Plaintiff,)
)
vs.) September 15th, 2022
)
RODERICK ARRINGTON,)
)
Defendant.)

**TRANSCRIPT OF JURY TRIAL TESTIMONY OF JEROME GRANT
BEFORE THE HONORABLE RICHARD J. ARCARA
SENIOR UNITED STATES DISTRICT JUDGE**

APPEARANCES:

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12:01PM 1 (The jury was present in the room at 12:00 p.m.)

12:01PM 2 MR. LENIHAN: Your Honor, at this time, the

12:01PM 3 Government calls Jerome Grant, witness 20.

12:02PM 4 (The witness was sworn at 12:03 p.m.)

12:03PM 5 THE CLERK: Can you please state your name and spell
12:03PM 6 it for the record?

12:03PM 7 THE WITNESS: Jerome, J-E-R-O-M-E; Grant, G-R-A-N-T.

12:03PM 8 MR. LENIHAN: Permission to proceed, Your Honor?

12:03PM 9 THE COURT: Yes, please.

12:03PM 10

12:03PM 11 DIRECT EXAMINATION

12:03PM 12

12:03PM 13 BY MR. LENIHAN:

12:03PM 14 Q. How are you doing, sir?

12:03PM 15 A. I'm all right.

12:03PM 16 Q. Can you move the microphone so you can speak into it?

12:03PM 17 And then you can twist it, if you want. Mr. Grant, where did
12:03PM 18 you grow up?

12:03PM 19 A. Schuele Street, in that area, Delavan and Grider area,
12:04PM 20 like.

12:04PM 21 Q. You grew up in Buffalo?

12:04PM 22 A. Yeah.

12:04PM 23 Q. And where is the Schuele -- where is Schuele Street?

12:04PM 24 A. Delavan-Grider area.

12:04PM 25 Q. How long had you been living over in the -- over on

12:04PM 1 Schuele Street?

12:04PM 2 A. Well, I never lived on Schuele Street. I lived on Carl.

12:04PM 3 Q. How long did you live on Carl?

12:04PM 4 A. For a few years.

12:04PM 5 Q. And do you remember when specifically?

12:04PM 6 A. I want to say maybe '94, somewhere around there.

12:04PM 7 Q. And did you ever get involved in selling drugs?

12:04PM 8 A. Not exactly when I lived there, but yeah.

12:04PM 9 Q. And can you discuss how you started off selling drugs?

12:04PM 10 A. I started off actually with my cousin.

12:04PM 11 Q. Where were you selling drugs with your cousin?

12:04PM 12 A. First around Jenner Street, around Jenner Street area.

12:04PM 13 Q. Where is that in relation to Schuele?

12:04PM 14 A. Pardon me?

12:04PM 15 Q. Where is that in relation to Schuele Street?

12:05PM 16 A. It's not that far. It's a few blocks away.

12:05PM 17 Q. What kind of drugs were you selling?

12:05PM 18 A. Crack.

12:05PM 19 Q. When were you selling crack?

12:05PM 20 A. I'd say maybe, like, around '95, '96, probably when I

12:05PM 21 started.

12:05PM 22 Q. How old were you in '95, '96?

12:05PM 23 A. In '95, I was 15.

12:05PM 24 Q. Did you ever get caught for selling drugs?

12:05PM 25 A. Yeah.

12:05PM 1 Q. Did you get caught a bunch of times selling drugs?

12:05PM 2 A. Yeah.

12:05PM 3 Q. All right. So, can you talk to us about when you got
12:05PM 4 caught selling drugs by the police?

12:05PM 5 A. First time I got caught in Dunkirk, I caught a sale, that
12:05PM 6 was '98. I got caught again for drugs in 2003, maybe. I
12:06PM 7 think it was 2003. Yeah, in Buffalo. Then I got caught with
12:06PM 8 some weed in Erie, Pennsylvania, same year.

12:06PM 9 Q. That was in 2003?

12:06PM 10 A. Yeah.

12:06PM 11 Q. When you got arrested in Dunkirk, did you have to serve
12:06PM 12 any time?

12:06PM 13 A. I was granted my youthful offender. So I did, like, 50-
12:06PM 14 some days and they gave me probation.

12:06PM 15 Q. When was that?

12:06PM 16 A. That was in '98. Yeah. I got out, like, '98 I want to
12:06PM 17 say.

12:06PM 18 Q. So, when you got out in '98, did you go back to selling
12:06PM 19 drugs?

12:06PM 20 A. Yeah.

12:06PM 21 Q. Where were you selling drugs after '98?

12:06PM 22 A. Well, I still was on Jenner a little bit, but I was going
12:06PM 23 around, like, Stevens area.

12:06PM 24 Q. Where is Stevens in relation to Schuele?

12:06PM 25 A. The next street over.

12:06PM 1 Q. What kind of drugs were you selling at that point?

12:06PM 2 A. I was selling a little weed and crack still.

12:06PM 3 Q. And then you mentioned you got arrested in 2003?

12:07PM 4 A. Yeah.

12:07PM 5 Q. And how did you get arrested in 2003?

12:07PM 6 A. In 2003 in Buffalo, I was going to, I think, sell

12:07PM 7 somebody some crack maybe, and I got caught with a gun and I

12:07PM 8 had some crack on me.

12:07PM 9 Q. And were you charged state side?

12:07PM 10 A. Yeah.

12:07PM 11 Q. And were you sentenced?

12:07PM 12 A. Yeah.

12:07PM 13 Q. How much time were you sentenced to?

12:07PM 14 A. A year.

12:07PM 15 Q. Did you -- did that stop you from selling drugs?

12:07PM 16 A. No.

12:07PM 17 Q. All right. So what happened after you got out with that
12:07PM 18 year sentence?

12:07PM 19 A. After I got out, I had to do time in Pennsylvania because
12:07PM 20 of the charge I had in Pennsylvania for the weed charge in
12:07PM 21 2003, which I ended up going to jail in 2004. So, I think I
12:07PM 22 got the Pennsylvania, because they extradited me to
12:07PM 23 Pennsylvania, I think I got there 2005. Then I got
12:07PM 24 sentenced. They gave me a one to four, and I got released in
12:08PM 25 2006 to a halfway house in Erie.

12:08PM	1	Q. You got released in 2006?
12:08PM	2	A. Yeah.
12:08PM	3	Q. To a halfway house?
12:08PM	4	A. Yeah.
12:08PM	5	Q. Can you tell the jury what a halfway house is?
12:08PM	6	A. Somewhere where you go if you don't have, like, no family
12:08PM	7	in that state, they house you, and get you a job so you can
12:08PM	8	get yourself together.
12:08PM	9	Q. Do you remember when you were released from the halfway
12:08PM	10	house?
12:08PM	11	A. I feel like maybe April, May. I can't remember exactly
12:08PM	12	when it was. It was in 2006.
12:08PM	13	Q. Okay. And once you got released from the halfway house
12:08PM	14	in Pennsylvania, where did you go?
12:08PM	15	A. I was still in Pennsylvania.
12:08PM	16	Q. Did you ever come back to Buffalo?
12:08PM	17	A. Yeah.
12:08PM	18	Q. When did you come back to Buffalo?
12:08PM	19	A. I come back a few times.
12:08PM	20	Q. Where would you go when you came back to Buffalo?
12:08PM	21	A. Carl, Schuele Street, that area, Stevens.
12:08PM	22	Q. And then again, did you continue to sell drugs?
12:09PM	23	A. Yeah.
12:09PM	24	Q. Were you selling drugs in that neighborhood?
12:09PM	25	A. At that time, I wasn't. I was in Pennsylvania.

12:09PM 1 Q. Now, did you get arrested again in 2006?

12:09PM 2 A. Yeah.

12:09PM 3 Q. What did you get arrested for?

12:09PM 4 A. Possession of a firearm.

12:09PM 5 Q. And what happened with that charge?

12:09PM 6 A. I got 57 months.

12:09PM 7 Q. Was that a state case or was that federal?

12:09PM 8 A. It started off state, but the Feds picked it up.

12:09PM 9 Q. And so, when were you released on that case?

12:09PM 10 A. I got released in 2010, but I had a violation for

12:09PM 11 Pennsylvania state for evading parole. So I went to

12:09PM 12 Pennsylvania state.

12:09PM 13 Q. What happened after that?

12:09PM 14 A. They gave me a 18-month violation. I did, I think, maybe

12:09PM 15 nine months and they sent me to the halfway house.

12:09PM 16 Q. Where was the halfway house at?

12:09PM 17 A. On West Second Street.

12:09PM 18 Q. Here in Buffalo or in Pennsylvania?

12:10PM 19 A. No. Erie, Pennsylvania.

12:10PM 20 Q. When were you ultimately released from the halfway house?

12:10PM 21 A. I ended up going back to jail from taking too long to get

12:10PM 22 back from work or something like that in 2012. Then I got

12:10PM 23 released again from, I think it was Albion, maybe October

12:10PM 24 2012. I stayed in a halfway house from 2000 -- October to

12:10PM 25 maybe January 13th or 18th, something like that, 2013.

12:10PM 1 Q. When you were in the halfway house, were you selling
12:10PM 2 drugs?
12:10PM 3 A. Yeah.
12:10PM 4 Q. How were you getting your drugs?
12:10PM 5 A. From Aaron Hicks.
12:10PM 6 Q. Does Aaron Hicks have a nickname?
12:10PM 7 A. Boogy.
12:10PM 8 Q. How did you meet Aaron Hicks?
12:10PM 9 A. From the neighborhood.
12:10PM 10 Q. Where did Aaron Hicks grow up?
12:10PM 11 A. Northland I want to say, Moselle.
12:10PM 12 Q. How was Aaron Hicks getting you drugs while you were in
12:10PM 13 Pennsylvania?
12:10PM 14 A. He come down there to Buffalo or he would come there.
12:11PM 15 Q. What kind of drugs were you getting from Aaron Hicks?
12:11PM 16 A. Mainly weed at that time.
12:11PM 17 Q. How much weed were you getting?
12:11PM 18 A. Like, probably no more than like two pounds.
12:11PM 19 Q. How much were you buying two pounds for?
12:11PM 20 A. I would say like maybe \$1,000. No more than \$1,000 a
12:11PM 21 pound.
12:11PM 22 Q. How much were you selling the pound for?
12:11PM 23 A. Sixteen hundred.
12:11PM 24 Q. Where were you selling the marijuana?
12:11PM 25 A. Erie, Pennsylvania.

12:11PM 1 Q. Once you -- when did you get off of your halfway house
12:11PM 2 sentence?
12:11PM 3 A. January 13th, one of them -- some time in January 2013.
12:11PM 4 Q. Did you stay in Pennsylvania in January of 2013?
12:11PM 5 A. No. I moved back to Buffalo.
12:11PM 6 Q. Where did you move back to in Buffalo?
12:11PM 7 A. Moved to Orchard Park.
12:11PM 8 Q. What -- did you continue to sell drugs when you got back
12:11PM 9 to Buffalo?
12:12PM 10 A. Yeah.
12:12PM 11 Q. Were you selling marijuana when you got back to Buffalo?
12:12PM 12 A. Yeah.
12:12PM 13 Q. Anything else?
12:12PM 14 A. Coke.
12:12PM 15 Q. And how were you getting your cocaine?
12:12PM 16 A. I would get it from Boogy.
12:12PM 17 Q. Aaron Hicks?
12:12PM 18 A. Yeah.
12:12PM 19 Q. Were you also getting marijuana from Aaron Hicks at this
12:12PM 20 time?
12:12PM 21 A. Yeah.
12:12PM 22 Q. How much -- so from 2013 -- or from 2013, who was your
12:12PM 23 primary source of supply as to the cocaine?
12:12PM 24 A. Aaron Hicks.
12:12PM 25 Q. And how about in 2014?

12:12PM 1 A. Same person.

12:12PM 2 Q. Did anything happen to you in 2014 that forced you to

12:12PM 3 stop selling drugs?

12:12PM 4 A. Yeah. I got arrested.

12:12PM 5 Q. How did you get arrested?

12:12PM 6 A. On a conspiracy.

12:12PM 7 Q. Was that a federal conspiracy charge?

12:12PM 8 A. Yeah.

12:12PM 9 Q. All right. So, let's talk about starting in January of

12:12PM 10 2013. What weight of cocaine are you purchasing from Aaron

12:13PM 11 Hicks on a regular basis?

12:13PM 12 A. It would be between like an ounce to four, four and a

12:13PM 13 half.

12:13PM 14 Q. Does four and a half ounces have a name in the drug

12:13PM 15 trade?

12:13PM 16 A. Yeah. It's called a big eight down here. Various places

12:13PM 17 call it different things.

12:13PM 18 Q. What does a big eight mean?

12:13PM 19 A. Four and a half ounces of coke.

12:13PM 20 Q. How much were you buying four and a half ounces of

12:13PM 21 cocaine for?

12:13PM 22 A. It depends. Sometime -- I would say no more than 5,000.

12:13PM 23 Q. And that -- you were paying Aaron Hicks that money?

12:13PM 24 A. Pardon me?

12:13PM 25 Q. Were you paying Aaron Hicks the 5,000?

12:13PM 1 A. Yeah.

12:13PM 2 Q. Were you paying money or were you being fronted the

12:13PM 3 drugs?

12:13PM 4 A. I mean, I would be fronted, but I still got to pay him.

12:13PM 5 Q. Can you tell the jury what it means to be fronted drugs?

12:13PM 6 A. Fronted drugs is where somebody give you drugs on, I

12:13PM 7 guess you could say, consignment.

12:14PM 8 Q. Like almost on debt?

12:14PM 9 A. Yeah.

12:14PM 10 Q. And then what would you do with the drugs you received on

12:14PM 11 consignment?

12:14PM 12 A. Sell them.

12:14PM 13 Q. And once you made the money back, what would you do with

12:14PM 14 the money?

12:14PM 15 A. Give probably -- if I owe Boogy, give him what I owe him

12:14PM 16 and, I don't know, do whatever I feel like doing with the

12:14PM 17 rest.

12:14PM 18 Q. So if you are getting a big eight for, you said \$5,000 or

12:14PM 19 so?

12:14PM 20 A. At the most, yeah.

12:14PM 21 Q. What are you doing with that big eight once you receive

12:14PM 22 it?

12:14PM 23 A. I would break it down.

12:14PM 24 Q. What does that mean, to break it down?

12:14PM 25 A. Like maybe distribute it in smaller portions.

12:14PM 1 Q. Are you familiar with the term cut?

12:14PM 2 A. Yeah.

12:14PM 3 Q. What were -- were you adding any cut to it?

12:14PM 4 A. Sometimes.

12:14PM 5 Q. What would be the point to adding cut to drugs?

12:14PM 6 A. Stretch it.

12:14PM 7 Q. What does that mean to stretch it?

12:14PM 8 A. To make more drugs.

12:14PM 9 Q. And does that help increase your profit?

12:14PM 10 A. Yeah.

12:14PM 11 Q. How much money were you making off of a big eight that

12:15PM 12 you were purchasing from Aaron Hicks?

12:15PM 13 A. Between no more than 8,000.

12:15PM 14 Q. How often were you purchasing drugs from Aaron Hicks from

12:15PM 15 January 2013 up until you were arrested in 2014?

12:15PM 16 A. I can't remember exactly how often but, I mean,

12:15PM 17 throughout that timeframe, I can't say like this amount of

12:15PM 18 time or that amount of time, because I really don't know.

12:15PM 19 Q. Can you give an estimate as to how many times a month?

12:15PM 20 A. Maybe twice.

12:15PM 21 Q. Do you remember what month you were arrested in 2014?

12:15PM 22 A. July.

12:15PM 23 Q. Did anything significant happen the day before your

12:15PM 24 arrest?

12:15PM 25 A. Yeah, I was -- I had went to Erie, Pennsylvania that

12:15PM 1 night, actually.

12:15PM 2 Q. You went? I am sorry.

12:15PM 3 A. I went to Erie, Pennsylvania that night.

12:15PM 4 Q. Who did you go to Erie, Pennsylvania with?

12:16PM 5 A. Boogy.

12:16PM 6 Q. Why did you go to Erie, Pennsylvania with Boogy?

12:16PM 7 A. To take some cocaine to somebody.

12:16PM 8 Q. Did you sell the cocaine in Erie, Pennsylvania?

12:16PM 9 A. No, I didn't. He did.

12:16PM 10 Q. Do you know how much he sold?

12:16PM 11 A. I want to say it was, like, nine ounces.

12:16PM 12 Q. Did you have any idea how Aaron Hicks was being supplied

12:16PM 13 by -- with cocaine?

12:16PM 14 A. Well, not necessarily per se. Like, I knew exactly who

12:16PM 15 he was getting it from at the time, but I had an idea.

12:16PM 16 Q. Did you know where his source of supply was located?

12:16PM 17 A. Texas.

12:16PM 18 Q. Did you know the person's name?

12:16PM 19 A. I just know he used to call him, like, The Clown.

12:16PM 20 Q. At the time when Aaron Hicks was supplying you, did you

12:16PM 21 know the person's name?

12:16PM 22 A. No.

12:16PM 23 Q. Do you know the name now?

12:16PM 24 A. Yeah.

12:16PM 25 Q. What is that person's name?

12:16PM 1 A. Julio Contreras.

12:16PM 2 Q. And do you know when Aaron Hicks started receiving

12:16PM 3 cocaine from Julio Contreras?

12:16PM 4 A. No, I don't.

12:16PM 5 Q. Did you ever meet Julio Contreras?

12:17PM 6 A. In jail.

12:17PM 7 Q. Prior to you being arrested in 2014, did you meet Julio

12:17PM 8 Contreras?

12:17PM 9 A. No.

12:17PM 10 Q. And you have been involved in dealing drugs the majority

12:17PM 11 of your life; is that fair to say?

12:17PM 12 A. Yeah.

12:17PM 13 Q. Is there a reason why Aaron Hicks wouldn't introduce you

12:17PM 14 to his source of supply?

12:17PM 15 A. I mean, I don't think he would want me to have his source

12:17PM 16 of supply.

12:17PM 17 Q. I'm sorry?

12:17PM 18 A. I don't think he would want me to have his source of

12:17PM 19 supply.

12:17PM 20 Q. He would be afraid of somebody else taking over?

12:17PM 21 A. That could happen.

12:17PM 22 Q. Now, when you were selling drugs in 2013, 2014, what area

12:17PM 23 were you selling drugs in?

12:17PM 24 A. I was in the Schuele area, but I was kind of more mobile,

12:17PM 25 so -- but I would be over there.

12:17PM 1 Q. And you were selling in the Schuele area?

12:17PM 2 A. Yeah.

12:17PM 3 Q. Could anyone go to the Schuele area to sell drugs?

12:18PM 4 A. I don't know. I really don't know. I don't think so,

12:18PM 5 but like, I can't remember a time where, like, somebody just

12:18PM 6 came over trying to sell drugs. So, I really can't give you,

12:18PM 7 like, a 100 percent, like no, they can't or, yeah, they can,

12:18PM 8 but I wouldn't think so.

12:18PM 9 Q. Did you have to get okays from anybody to sell in that

12:18PM 10 area?

12:18PM 11 A. It'd probably be better that way.

12:18PM 12 Q. And who would you have to get an okay from?

12:18PM 13 A. I would say it probably be like a couple people. I would

12:18PM 14 say Boogy, I would say Rah Rah, I would say Whoa.

12:19PM 15 Q. Do you know anybody by the name of Letorrance Travis?

12:19PM 16 A. Yes.

12:19PM 17 Q. How do you know Letorrance Travis?

12:19PM 18 A. I been knowing him for a long time. His mom was like my

12:19PM 19 pre-K teacher.

12:19PM 20 Q. Did Letorrance Travis, was he to your knowledge living

12:19PM 21 over in the Schuele area?

12:19PM 22 A. He used to live on Courtland, so that's not that far

12:19PM 23 away. His grandmother stayed on Stevens before she passed.

12:19PM 24 Q. Do you know if he was selling drugs in the Schuele area?

12:19PM 25 A. Yeah.

12:19PM 1 Q. Do you have any awareness as to whether or not Letorrance
12:19PM 2 Travis was arrested in 2011?
12:19PM 3 A. Yeah.
12:19PM 4 Q. And what knowledge do you have as to what effect that had
12:19PM 5 on drug dealing in Buffalo in the Schuele area in Buffalo?
12:19PM 6 A. I would say it kind of slowed down during that time.
12:19PM 7 Q. Do you know if there were any issues after that?
12:19PM 8 A. Yeah, it was issues. It was like a separation, a divide.
12:20PM 9 Q. Who was separated?
12:20PM 10 A. I would say it would be, it was like a Boogy side and a
12:20PM 11 Torrence side.
12:20PM 12 Q. Who was on Boogy's side?
12:20PM 13 A. Really -- well, yeah, people that was kind of on both
12:20PM 14 sides, but like a couple people was on Boogy side.
12:20PM 15 Q. Like who?
12:20PM 16 A. Like I was for one; Rah Rah, he was; James Robbs, that's
12:20PM 17 Whoa, he was. I feel like OP was for a minute. Yeah, that's
12:20PM 18 all I can think about.
12:20PM 19 Q. And who was on Letorrance's side?
12:20PM 20 A. Cheese.
12:20PM 21 Q. Do you know Cheese's real name?
12:20PM 22 A. Marcel Worthy.
12:20PM 23 Q. Anyone else?
12:20PM 24 A. His cousin, Squirter.
12:20PM 25 Q. Do you know anyone by the name of Mario?

12:20PM 1 A. Yeah. That's his cousin, Squirter, Damario James.

12:21PM 2 Q. And what side was Damario James on?

12:21PM 3 A. Torrence side.

12:21PM 4 Q. Now, when Boogs was being supplied by the person that you

12:21PM 5 knew as The Clown, did you ever observe any kilograms of

12:21PM 6 cocaine?

12:21PM 7 A. One time, I did.

12:21PM 8 Q. Where was that?

12:21PM 9 A. It was on Trowbridge, at his house on Trowbridge in South

12:21PM 10 Buffalo.

12:21PM 11 Q. How many kilograms of cocaine did you see?

12:21PM 12 A. Twenty-five.

12:21PM 13 Q. Twenty-five what?

12:21PM 14 A. Kilograms of cocaine.

12:21PM 15 Q. In your experience, how much is that worth?

12:21PM 16 A. I mean, how much was it worth?

12:21PM 17 Q. Yes.

12:21PM 18 A. I mean, a lot of money. Yeah, I would say maybe a couple

12:21PM 19 million.

12:21PM 20 Q. A couple mill?

12:21PM 21 A. Mill, yeah.

12:21PM 22 Q. Now, you said that -- strike that.

12:21PM 23 How much -- in 2013, 2014, how much was a kilogram of

12:22PM 24 cocaine being sold for in Buffalo?

12:22PM 25 A. Between 36 to 40,000.

12:22PM 1 Q. Did you ever receive a kilogram of cocaine for sale from
12:22PM 2 Boogs?
12:22PM 3 A. No, I never received a kilogram.
12:22PM 4 Q. Now, when this is happening, when you are receiving
12:22PM 5 cocaine from Aaron Hicks, are you also receiving any other
12:22PM 6 drugs from Aaron Hicks?
12:22PM 7 A. Yeah, I would get weed from him.
12:22PM 8 Q. What's the purpose of also selling weed when you are
12:22PM 9 selling cocaine?
12:22PM 10 A. Well, mostly to cover up the cocaine, like to broadcast
12:22PM 11 the weed, but keep the cocaine a secret.
12:22PM 12 Q. Can you explain that?
12:22PM 13 A. Yeah. Like, you would want to get attention for the weed
12:22PM 14 because weed is really a lesser charge than cocaine. So you
12:22PM 15 kind of, like, let it be known that you got weed instead of
12:22PM 16 telling everybody you got coke.
12:23PM 17 Q. To your knowledge, did Aaron Hicks have other people that
12:23PM 18 he was selling cocaine to, not you?
12:23PM 19 A. Yeah.
12:23PM 20 Q. Are you familiar with the term, stash location?
12:23PM 21 A. Yeah.
12:23PM 22 Q. Can you tell the jury what a stash location is?
12:23PM 23 A. A stash location is somewhere where you hide your drugs
12:23PM 24 or you hide your money or you hide your weapons or anything
12:23PM 25 like that to avoid getting caught.

12:23PM	1	Q. Why would you want to hide anything to get caught -- or
12:23PM	2	to avoid being caught?
12:23PM	3	A. Because, you know what I mean, you can go to jail if you
12:23PM	4	get caught, but yeah, mainly to keep from going to jail.
12:23PM	5	Q. Did Boogs have any stash locations?
12:23PM	6	A. Yeah. I went to his house on Grider before. I would say
12:23PM	7	Grider was the stash location besides Trowbridge.
12:23PM	8	Q. So, you say Grider and Trowbridge?
12:23PM	9	A. Yeah.
12:23PM	10	Q. Are you familiar with the term, Schuele Boys?
12:23PM	11	A. Yeah.
12:23PM	12	Q. And what are the Schuele Boys?
12:23PM	13	A. In the Delavan-Grider area.
12:24PM	14	Q. Is that a neighborhood-based street gang?
12:24PM	15	A. Yeah.
12:24PM	16	Q. Would you consider yourself a member of the Schuele Boys?
12:24PM	17	A. Yeah.
12:24PM	18	Q. How about Aaron Hicks?
12:24PM	19	A. Yeah.
12:24PM	20	Q. Letorrance Travis?
12:24PM	21	A. Yeah.
12:24PM	22	Q. Marcel Worthy?
12:24PM	23	A. Yeah.
12:24PM	24	Q. OP?
12:24PM	25	A. Yeah.

12:24PM 1 Q. Do you know OP's real name?

12:24PM 2 A. Omar something.

12:24PM 3 Q. How about Jimmy Robbs?

12:24PM 4 A. Yeah.

12:24PM 5 Q. Roderick Arrington?

12:24PM 6 A. Yeah.

12:24PM 7 Q. Do you see Mr. Arrington in court today?

12:24PM 8 A. Yeah.

12:24PM 9 Q. Can you identify him?

12:24PM 10 A. He got a white shirt on.

12:24PM 11 MR. LENIHAN: He's identified the defendant, Your

12:24PM 12 Honor.

12:24PM 13 BY MR. LENIHAN:

12:24PM 14 Q. Now, where was Mr. Arrington living?

12:24PM 15 A. Where was he living?

12:24PM 16 Q. Or strike that. When did you meet Mr. Arrington?

12:24PM 17 A. Probably like -- maybe, like, maybe 74, like, in the 5th
12:25PM 18 grade or somewhere around there.

12:25PM 19 Q. Is 74 a school in Buffalo?

12:25PM 20 A. Yeah.

12:25PM 21 Q. And so, you knew Mr. Arrington since you were in 6th
12:25PM 22 grade together?

12:25PM 23 A. Yeah.

12:25PM 24 Q. Did you have knowledge if he was selling drugs?

12:25PM 25 A. Then?

12:25PM 1 Q. Or -- I'm sorry. No. Strike that.

12:25PM 2 During Mr. -- you mentioned that Mr. Arrington was a
12:25PM 3 Schuele Boy?

12:25PM 4 A. Yeah.

12:25PM 5 Q. While he was a Schuele Boy, do you have knowledge as to
12:25PM 6 him selling drugs?

12:25PM 7 A. Yeah.

12:25PM 8 Q. Did you ever purchase drugs from Mr. Arrington?

12:25PM 9 A. Yeah. I got drugs from him before.

12:25PM 10 Q. Okay. Can you discuss the first time you got drugs from
12:25PM 11 him?

12:25PM 12 A. I feel like it was 2001, maybe 2002, somewhere around
12:25PM 13 there. I had got some marijuana from him.

12:25PM 14 Q. Do you remember how much marijuana you got from him?

12:25PM 15 A. I think it was like a quarter pound or something like
12:25PM 16 that.

12:25PM 17 Q. Do you remember how much you paid?

12:25PM 18 A. I think I gave him like \$250 or something like that.

12:25PM 19 Q. Did you give him the full amount?

12:26PM 20 A. No.

12:26PM 21 Q. Why didn't you give him the full amount?

12:26PM 22 A. Because I think I messed up the money or something.
12:26PM 23 Something had happened where I didn't get it all to him.

12:26PM 24 Q. And did you have to pay the rest of the money?

12:26PM 25 A. No. He told me I didn't have to give him -- one time

12:26PM 1 because I came to see him when he was in the hospital.

12:26PM 2 Q. When -- between 2013 and 2014, before your federal

12:26PM 3 arrest, did you purchase any drugs from Mr. Arrington?

12:26PM 4 A. Yeah. I got an eight ball of coke from him.

12:26PM 5 Q. When was that?

12:26PM 6 A. I feel like it was 2013. I can't exactly say exactly

12:26PM 7 when, but I think it was 2013.

12:26PM 8 Q. Did you typically buy drugs from Mr. Arrington?

12:26PM 9 A. No.

12:26PM 10 Q. Why not?

12:26PM 11 A. Because like, I mean, my point -- he really wasn't a good

12:26PM 12 hustler and we didn't really, like, hang with each other

12:26PM 13 every day. He wasn't somebody I really wanted to be around

12:27PM 14 like that.

12:27PM 15 Q. Why did you buy the eight ball of cocaine from him in

12:27PM 16 2013 then?

12:27PM 17 A. Because I needed it. Somebody had needed one and he just

12:27PM 18 so happened to be there at the same time.

12:27PM 19 Q. To your knowledge, was Mr. Arrington close with Aaron

12:27PM 20 Hicks?

12:27PM 21 A. Yeah, I would say so.

12:27PM 22 Q. And to your knowledge, why did Aaron Hicks have

12:27PM 23 Mr. Arrington close to him?

12:27PM 24 A. I would say because the reputation he had.

12:27PM 25 Q. What representation was that?

12:27PM 1 A. Being in the gang and violent.

12:27PM 2 Q. If there was a problem with the Schuele Boys, who would
12:27PM 3 the Schuele Boys turn to?

12:27PM 4 A. I would say he would be one of the people.

12:27PM 5 Q. Who would it be?

12:27PM 6 A. Rah Rah.

12:27PM 7 Q. Do you have knowledge of whether or not Mr. Arrington
12:27PM 8 would commit violence for money?

12:27PM 9 A. There was rumors.

12:28PM 10 Q. Were you ever asked by him personally?

12:28PM 11 MR. ARRINGTON: Objection, Your Honor.

12:28PM 12 THE COURT: Overruled. You may answer.

12:28PM 13 BY MR. LENIHAN:

12:28PM 14 Q. Were you ever asked personally?

12:28PM 15 A. One time I was at Maggie's. He came. He was at
12:28PM 16 Maggie's. He asked me was I all right.

12:28PM 17 Q. And what did you interpret that to mean?

12:28PM 18 A. I interpreted it as, he was asking me, did I have any
12:28PM 19 problems with anyone.

12:28PM 20 Q. Did you ever hear about Mr. Arrington taking hits?

12:28PM 21 A. Yeah. I heard of it.

12:28PM 22 Q. Did this come out of Mr. Arrington's mouth?

12:28PM 23 A. One time I went to see him, I think he was on ankle
12:28PM 24 monitor and I can't remember what it was exactly that he was
12:28PM 25 frustrated about, but it was something, and he was speaking

12:28PM 1 about when he got off the ankle monitor, he going to be
12:28PM 2 taking some hits.

12:28PM 3 Q. What did you interpret taking hits to mean?

12:28PM 4 A. Killing people for money.

12:28PM 5 Q. I'm sorry?

12:28PM 6 A. Killing people for money.

12:28PM 7 Q. Where was --

12:28PM 8 THE COURT: What do you mean by hits? What do you
12:29PM 9 mean by hits, sir?

12:29PM 10 THE WITNESS: Hit? Killing people for money. When
12:29PM 11 he hit them -- a hit, like, you know how the mob talk about
12:29PM 12 hits?

12:29PM 13 THE COURT: All right.

12:29PM 14 BY MR. LENIHAN:

12:29PM 15 Q. Where was this conversation at?

12:29PM 16 A. He was -- we was on Girard Street.

12:29PM 17 Q. Whose house was on Girard Street?

12:29PM 18 A. It was his mom house.

12:29PM 19 Q. Do you remember the number?

12:29PM 20 A. No, I don't.

12:29PM 21 Q. Did you ever observe any drug activity over at -- on
12:29PM 22 Girard Street?

12:29PM 23 A. Yeah, one time.

12:29PM 24 Q. Okay. And this was at Mr. Arrington's mother house?

12:29PM 25 A. Yeah.

12:29PM 1 Q. Can you describe that?

12:29PM 2 A. Yeah. We had broke down a 40-pound bale.

12:29PM 3 Q. A 40-pound bale of what?

12:29PM 4 A. Marijuana.

12:29PM 5 Q. Describe how -- can we just start from the beginning?

12:30PM 6 How were you involved at the beginning of this?

12:30PM 7 A. Of the 40-pound bale?

12:30PM 8 Q. Yes.

12:30PM 9 A. Me and Boogy went and picked it up and took it to Girard

12:30PM 10 Street.

12:30PM 11 Q. Where did you and Boogy pick it up from?

12:30PM 12 A. I want to say we was downtown from one of his family

12:30PM 13 member's house, but I can't remember if that was the time or

12:30PM 14 not. So, I can't remember exactly where we picked it up at.

12:30PM 15 Q. Do you know how Boogy was getting marijuana to Buffalo?

12:30PM 16 A. Yeah, sent in the mail.

12:30PM 17 Q. And what was the plan, to your knowledge, as to where it

12:30PM 18 was going to be delivered when it was sent through the mail?

12:30PM 19 A. I don't know exactly where it was going to be delivered.

12:30PM 20 I never really, like, knew where it was going to be delivered

12:30PM 21 to.

12:30PM 22 Q. To your knowledge, would it be sent to --

12:30PM 23 A. Various locations, yeah.

12:30PM 24 Q. And you were with Boogs when it got picked up?

12:31PM 25 A. Yeah.

12:31PM 1 Q. Where did you and Boogs take the 40-pound bale to?

12:31PM 2 A. To Girard Street.

12:31PM 3 Q. Who was there when you arrived at Girard?

12:31PM 4 A. When we arrived at Girard Street, there wasn't nobody
12:31PM 5 there.

12:31PM 6 Q. How did you get in?

12:31PM 7 A. Boogy had the key.

12:31PM 8 Q. And so what happened after you were -- and did you go
12:31PM 9 inside 82 -- or I'm sorry. Did you go inside Girard?

12:31PM 10 A. Yeah.

12:31PM 11 Q. What happened when you went inside Girard?

12:31PM 12 A. We started breaking the weed down, then Rah Rah came
12:31PM 13 home.

12:31PM 14 Q. And discuss what that means to break down the weed.

12:31PM 15 A. It comes, it's compressed, so you got to break it down
12:31PM 16 and bag it up individually to individual pounds.

12:31PM 17 Q. Is that to make more money?

12:31PM 18 A. Yeah.

12:31PM 19 Q. Where was Mr. Arrington when this was happening?

12:31PM 20 A. He came. He came home, but then he did leave.

12:32PM 21 Q. Did you see anyone else there?

12:32PM 22 A. I forgot who else was there, to be honest.

12:32PM 23 THE COURT: Ladies and gentlemen, it is 12:30. We're
12:32PM 24 going to break for lunch. I'd like you back here by 1:30.

12:32PM 25 And my court reporter is having some back problems. So what

12:32PM 1 we're going to do is we're going to start at 1:30, and
12:32PM 2 probably break a little early today, probably about three,
12:32PM 3 because she's in a lot of pain and it's a -- you know, she's
12:32PM 4 got a very difficult job taking down everything. So, I think
12:32PM 5 what we'll do is we'll come back at 1:30, and then we'll go
12:32PM 6 for an hour and a half and break a little early. I hate to
12:32PM 7 break that early, but she's in a lot of pain. Okay. Enjoy
12:32PM 8 your lunch, folks. We'll see you back here at 1:30.

12:32PM 9 (The jury left the courtroom at 12:33 p.m.)

12:32PM 10 (A recess was taken from 12:33 to 1:33 p.m.)

01:00PM 11 (The jury entered the room at 1:33 p.m.)

01:33PM 12 THE CLERK: All rise. You may be seated.

01:37PM 13 THE COURT: Good afternoon, everyone. Mr. Lenihan?

01:37PM 14 MR. LENIHAN: Thank you, Your Honor.

01:37PM 15 BY MR. LENIHAN:

01:37PM 16 Q. Mr. Grant, I want to ask you about somebody who went by
01:37PM 17 the nickname of Matt.

01:37PM 18 A. Yeah.

01:37PM 19 Q. Do you know who that is?

01:37PM 20 A. Yeah.

01:37PM 21 Q. Do you know Matt's real name?

01:37PM 22 A. I want to say it's Walter. His first name is Walter if I
01:37PM 23 am not mistaken.

01:37PM 24 Q. And did you ever meet Matt?

01:37PM 25 A. Not personally, but I was incarcerated one time and I

01:37PM 1 talked to him on the phone.

01:37PM 2 Q. Can you describe when you talked to him on the phone?

01:37PM 3 A. Pardon?

01:37PM 4 Q. Can you describe that?

01:37PM 5 A. Yeah, I --

01:37PM 6 THE DEFENDANT: Objection. Hearsay, Your Honor.

01:37PM 7 THE COURT: Overruled.

01:37PM 8 BY MR. LENIHAN:

01:37PM 9 Q. Can you describe when you talked to him on the phone?

01:37PM 10 A. I was incarcerated, and I had called Boogy, and Boogy had
01:37PM 11 him with him and he was asking me was he, like, my cousin
01:37PM 12 because he be in Cleveland.

01:38PM 13 Q. So, you know Matt was from where?

01:38PM 14 A. Cleveland, Ohio.

01:38PM 15 Q. Do you know when he came up to Buffalo?

01:38PM 16 A. No. I don't know when he came.

01:38PM 17 Q. And did you talk to Boogy about Matt at all?

01:38PM 18 A. When I got out from the halfway house, I did.

01:38PM 19 Q. Do you know if Boogy liked Matt?

01:38PM 20 A. Yeah.

01:38PM 21 Q. Do you know if everyone liked Matt?

01:38PM 22 A. As far as I know.

01:38PM 23 THE DEFENDANT: Objection, Your Honor.

01:38PM 24 THE COURT: Sustained.

01:38PM 25

01:38PM 1 BY MR. LENIHAN:

01:38PM 2 Q. What was Matt's reputation?

01:38PM 3 A. He was --

01:38PM 4 THE DEFENDANT: Objection, Your Honor.

01:38PM 5 THE COURT: If he knows. All right. You may answer
01:38PM 6 if you know, sir.

01:38PM 7 THE WITNESS: I mean, I guess it would be hearsay,
01:38PM 8 but -- because I never met him, but from what I know, he was
01:38PM 9 always like a comedian they say. He used to joke a lot.

01:38PM 10 BY MR. LENIHAN:

01:38PM 11 Q. And do you know of where he was living?

01:38PM 12 A. He was living on Grider.

01:38PM 13 Q. Do you know whose house it was on Grider?

01:39PM 14 A. Boogy house.

01:39PM 15 Q. Do you know if Boogy was close with Matt?

01:39PM 16 A. From what he told me, yeah.

01:39PM 17 Q. Do you know if Matt was killed?

01:39PM 18 A. Yes.

01:39PM 19 Q. And did you ever talk to Boogy about Matt's murder?

01:39PM 20 A. Well, yeah, he talked to me about it.

01:39PM 21 Q. What did Boogy say about Matt's murder?

01:39PM 22 A. He was just pretty much expressing how hurt he was.

01:39PM 23 Something about how his mom had asked him to walk her to the
01:39PM 24 church when he went to the funeral in Ohio and that was
01:39PM 25 really, like, he couldn't let it go.

01:39PM 1 Q. He couldn't let what go?

01:39PM 2 A. I am assuming his murder.

01:39PM 3 Q. Did Boogy tell you if he was there or did Boogy express

01:39PM 4 wanting to get any revenge?

01:39PM 5 A. He never, like, came out and said that he wanted to get

01:39PM 6 revenge, but -- because all he said was, he just couldn't let

01:39PM 7 it go.

01:39PM 8 Q. What did you interpret that to me?

01:39PM 9 A. I mean, I interpreted it for that.

01:39PM 10 Q. I'm sorry?

01:39PM 11 A. I'm interpreted it as he wanted to get revenge.

01:40PM 12 Q. To your knowledge, did Boogy get revenge?

01:40PM 13 A. Well, I guess. I can't really say for instance because I

01:40PM 14 wasn't there, but I mean, a person who was supposed to have

01:40PM 15 did it got killed.

01:40PM 16 Q. Did Boogy tell you if he was there when the person got

01:40PM 17 killed?

01:40PM 18 A. Yeah, he said he was there.

01:40PM 19 Q. What did Boogy tell you?

01:40PM 20 A. He said they flagged him down, I think it was the dude

01:40PM 21 that got killed named Dame --

01:40PM 22 THE DEFENDANT: Objection, Your Honor. He wasn't

01:40PM 23 there. This is hearsay.

01:40PM 24 THE COURT: He's telling him what he was told during

01:40PM 25 the course of the alleged conspiracy. Go ahead. You may

01:40PM 1 continue, sir.

01:40PM 2 THE WITNESS: Oh. Well, he said that he was there
01:40PM 3 and they flagged him down. He got out the car or his truck,
01:40PM 4 whatever, and he was talking to one of them and then he got
01:40PM 5 killed.

01:40PM 6 BY MR. LENIHAN:

01:40PM 7 Q. Who got killed?

01:41PM 8 A. Shooter.

01:41PM 9 Q. Did Boogy say he was there?

01:41PM 10 A. Boogy say he was there?

01:41PM 11 Q. Did Boogy say he was there?

01:41PM 12 A. Yeah.

01:41PM 13 Q. And he said he was in a car?

01:41PM 14 A. Did Boogy say he was in a car?

01:41PM 15 Q. Yes.

01:41PM 16 A. Yeah. He got out of his car.

01:41PM 17 Q. And did Boogy tell you if anyone else was there?

01:41PM 18 A. Well, he just said bro came out the cut.

01:41PM 19 Q. Who came out of the cut?

01:41PM 20 A. Bro.

01:41PM 21 Q. Who?

01:41PM 22 A. Bro.

01:41PM 23 Q. Bro?

01:41PM 24 A. Yeah.

01:41PM 25 THE COURT: Did you say Brill?

01:41PM 1 THE WITNESS: Bro, like brother.

01:41PM 2 THE COURT: How do you spell it?

01:41PM 3 THE WITNESS: B-R-O.

01:41PM 4 THE COURT: Oh, bro?

01:41PM 5 THE WITNESS: Yeah.

01:41PM 6 THE COURT: Okay. Who is bro?

01:41PM 7 THE WITNESS: He never said who bro was specifically.

01:41PM 8 THE COURT: I'm sorry?

01:41PM 9 THE WITNESS: He never specifically said who bro was.

01:41PM 10 THE COURT: Did you know who bro was?

01:41PM 11 THE WITNESS: I assumed it to be Roderick Arrington.

01:41PM 12 THE COURT: You are just assuming that? You don't

01:41PM 13 know?

01:41PM 14 THE WITNESS: No, I don't know. I can't say.

01:41PM 15 THE COURT: Okay. The jury will disregard that.

01:41PM 16 BY MR. LENIHAN:

01:41PM 17 Q. And did you know Damon at all?

01:41PM 18 A. Yeah.

01:42PM 19 Q. What did -- how do you know Damon?

01:42PM 20 A. From the neighborhood.

01:42PM 21 Q. What neighborhood was that?

01:42PM 22 A. The Schuele area, Delevan-Grider.

01:42PM 23 Q. How did you get to know Damon?

01:42PM 24 A. I knew who Damon older cousin is. I used to hang with

01:42PM 25 two of his older cousins. So, I used to go -- they used to

01:42PM 1 stay on Birch, so I used to go to their house on Birch a lot.

01:42PM 2 Q. Do you know, did Boogs tell you if Damon was there?

01:42PM 3 A. Yeah, he said Damon was there.

01:42PM 4 Q. And what did Boogs say about Damon?

01:42PM 5 A. He was just talking, like, he never specifically said

01:42PM 6 nothing specifically about Damon. He just said they flagged

01:42PM 7 him down and was talking to him, I guess, about maybe the

01:42PM 8 shooting and saying that he didn't do it or something like

01:42PM 9 that.

01:42PM 10 Q. In your experience, when a murder happens in the streets,

01:42PM 11 does somebody that commits that murder typically keep the

01:42PM 12 murder weapon?

01:42PM 13 A. They shouldn't. I wouldn't. No.

01:42PM 14 Q. Why not?

01:42PM 15 A. Because they could trace you to the body.

01:43PM 16 Q. Were you asked to partake in a music video in the summer

01:43PM 17 of -- or when you came home?

01:43PM 18 A. Yeah.

01:43PM 19 Q. And what -- and specifically, was that a music video at

01:43PM 20 Russell's?

01:43PM 21 A. Yeah.

01:43PM 22 Q. Did you go to the music video?

01:43PM 23 A. No.

01:43PM 24 Q. Why didn't you go?

01:43PM 25 A. Because I was in the halfway house at the time. I think

01:43PM 1 I was doing something else.

01:43PM 2 Q. Have you had the opportunity to review the music video
01:43PM 3 prior to you testifying?

01:43PM 4 A. Yeah.

01:43PM 5 Q. And who do you remember being inside -- in the music
01:43PM 6 video?

01:43PM 7 A. Pretty much I would say most of the Schuele people.

01:43PM 8 Q. Like who?

01:43PM 9 A. Like Boogy, Rah Rah, OP, Torrence, Cheese, of course the
01:43PM 10 rapper, the person who was rapping, Black. Can't really
01:44PM 11 remember too many more people offhand, like --

01:44PM 12 Q. And to your knowledge, the people that you just
01:44PM 13 mentioned, are those people that sold drugs in the Schuele
01:44PM 14 area?

01:44PM 15 A. Yeah.

01:44PM 16 Q. And you mentioned somebody by the name of Black?

01:44PM 17 A. Yeah.

01:44PM 18 Q. Who's Black?

01:44PM 19 A. He's a rapper.

01:44PM 20 Q. Do you know his full name?

01:44PM 21 A. I want to say I think it's Sandy Jones.

01:44PM 22 Q. And prior to you testifying, you have had the opportunity
01:44PM 23 to review the video of the music video?

01:44PM 24 A. Yeah, I seen it.

01:44PM 25 MR. LENIHAN: Your Honor, at this point --

01:44PM 1 BY MR. LENIHAN:

01:44PM 2 Q. And does the music video, does it accurately depict

01:44PM 3 people that you knew on Schuele Street or from Schuele area?

01:44PM 4 A. Does it accurately depict them?

01:44PM 5 Q. Yeah, like, does it capture who they are?

01:44PM 6 A. I mean, I can't necessarily say. I can't because I don't

01:44PM 7 know. I can't say it per se, like, captures them as, like, a

01:44PM 8 whole, because it's a video. But for the most part, yeah,

01:44PM 9 they do that stuff that's in the video, so count money.

01:45PM 10 MR. LENIHAN: Your Honor, the Government would move
01:45PM 11 to admit Government Exhibit 24 at this point.

01:45PM 12 THE COURT: All right.

01:45PM 13 THE DEFENDANT: Objection, Your Honor, lack of
01:45PM 14 foundation for this exhibit.

01:45PM 15 THE COURT: Overruled.

01:45PM 16 MR. LENIHAN: And permission to publish and hand out
01:45PM 17 transcripts?

01:45PM 18 THE COURT: Yes. Ladies and gentlemen, the
01:45PM 19 transcript that we talked about before, the transcript is
01:45PM 20 there before you view to assist you in what is being said.

01:45PM 21 It's the Government's interpretation. If you think you have
01:45PM 22 heard something different than what you actually heard, it's
01:45PM 23 what you heard that's in evidence. Okay?

01:46PM 24 (The recording was played.)

01:47PM 25 THE COURT: Sir, what we're looking at right now,

01:47PM 1 were you there where this video was taken?

01:47PM 2 THE WITNESS: No.

01:47PM 3 THE COURT: Ladies and gentlemen, would you step in
01:47PM 4 the jury room for a minute?

01:47PM 5 (The jury left the room at 1:47 p.m.)

01:55PM 6 (The jury entered the room at 1:55 p.m.)

01:55PM 7 THE CLERK: All rise. You may be seated.

01:56PM 8 THE COURT: Ladies and gentlemen, Mr. Arrington
01:56PM 9 objected to Exhibit 24. I have reconsidered. At this point
01:56PM 10 in time, I am not going to admit it into evidence at this
01:56PM 11 point in time. Do you have the books with you still, the
01:56PM 12 transcripts?

01:56PM 13 Okay. Next question.

01:56PM 14 MR. LENIHAN: Thank you, Your Honor. Permission to
01:57PM 15 approach?

01:57PM 16 THE COURT: Yes.

01:57PM 17 BY MR. LENIHAN:

01:57PM 18 Q. I have approached the witness with what's been premarked
01:57PM 19 Government Exhibit 24H. Do you recognize that, sir?

01:57PM 20 A. Yeah.

01:57PM 21 Q. What do you recognize 24H to be?

01:57PM 22 A. It is a still from the video.

01:57PM 23 Q. And do you recognize the people in that still?

01:57PM 24 A. Yes.

01:57PM 25 Q. Who do you recognize?

01:57PM 1 A. People I can see. I can recognize the people I can see,
01:57PM 2 the faces I can see.

01:57PM 3 Q. Like who?

01:57PM 4 A. Like, you have Aaron Hicks, Sandy Jones, I think that's
01:57PM 5 Mike. I don't know who the female is. That's Torry,
01:57PM 6 Torrence, Dre and Rah Rah.

01:58PM 7 Q. The people that are in 24H, does 24H accurately capture
01:58PM 8 the people that you identified?

01:58PM 9 A. Yeah.

01:58PM 10 MR. LENIHAN: The Government would move to admit
01:58PM 11 Government Exhibit 24H into evidence.

01:58PM 12 THE COURT: All right. It will be received.
01:58PM 13 (Government Exhibit 24H was received in evidence.)

01:58PM 14

01:58PM 15 MR. LENIHAN: Permission to publish, Your Honor.

01:58PM 16 THE COURT: All right.

01:58PM 17 BY MR. LENIHAN:

01:58PM 18 Q. Okay. So, starting from left to right, the person on the
01:58PM 19 bottom left of the screen, do you recognize who that person
01:58PM 20 is?

01:58PM 21 A. The one with his head down?

01:58PM 22 Q. Yes.

01:58PM 23 A. I mean, I believe it to be OP based off me seeing the
01:58PM 24 video before, but I can't -- like, I can't see his face, so I
01:58PM 25 can't say for sure that's him.

01:58PM 1 Q. Can you touch where you believe it's OP?

01:58PM 2 A. On the screen?

01:58PM 3 Q. Yeah, please.

01:58PM 4 A. Right there (indicating). Oh, you mean touch it?

01:59PM 5 Q. You can touch the screen.

01:59PM 6 A. (Indicating).

01:59PM 7 Q. Yeah. And then there's a person behind him with a glass

01:59PM 8 in his left hand and what it appears to be a bottle in his

01:59PM 9 right. Do you recognize who that is?

01:59PM 10 A. That's DJ Shay. He's dead.

01:59PM 11 Q. How about the person behind him to the left? Can you

01:59PM 12 touch DJ Shay?

01:59PM 13 A. Yeah.

01:59PM 14 Q. How about the person that we're looking at to the left

01:59PM 15 behind him?

01:59PM 16 A. I can't really identify that person.

01:59PM 17 Q. Then the person behind him to the right with what appears

01:59PM 18 to be a White Sox hat?

01:59PM 19 A. I can't identify him either.

01:59PM 20 Q. How about the person down below with the sunglasses?

01:59PM 21 A. That's Black.

01:59PM 22 Q. Is that Serious Black?

01:59PM 23 A. Yeah.

01:59PM 24 Q. Can you point to him?

01:59PM 25 A. (Indicating).

01:59PM 1 Q. How about the person behind Serious Black?

01:59PM 2 A. That's Mike.

01:59PM 3 Q. Can you point to him?

01:59PM 4 A. (Indicating).

01:59PM 5 Q. The person behind Mike?

02:00PM 6 A. Torry.

02:00PM 7 Q. Who is Torry?

02:00PM 8 A. Torrence brother.

02:00PM 9 Q. Do you know Torry's last name?

02:00PM 10 A. Travis.

02:00PM 11 Q. Can you point to him?

02:00PM 12 A. (Indicating).

02:00PM 13 Q. And the female next to him?

02:00PM 14 A. I don't know her name.

02:00PM 15 Q. And going down, the person next to Black, who is that?

02:00PM 16 A. Boogy.

02:00PM 17 Q. Can you point to Boogy?

02:00PM 18 A. Yeah.

02:00PM 19 Q. And behind Boogy, who is that?

02:00PM 20 A. Torrence.

02:00PM 21 Q. Can you point to Torrence?

02:00PM 22 A. (Indicating).

02:00PM 23 Q. And the person to the right of Torrence, who is that?

02:00PM 24 A. Dre.

02:00PM 25 Q. Can you point to Dre?

02:00PM 1 A. (Indicating).

02:00PM 2 Q. Person to the bottom right of the screen?

02:00PM 3 A. Rah Rah.

02:00PM 4 Q. Can you point to Rah Rah?

02:00PM 5 A. (Indicating).

02:00PM 6 MR. LENIHAN: We can take it down.

02:00PM 7 BY MR. LENIHAN:

02:01PM 8 Q. Mr. Grant, you were arrested in 2014, correct?

02:01PM 9 A. Yeah.

02:01PM 10 Q. Did you cooperate with law enforcement?

02:01PM 11 A. Yeah.

02:01PM 12 Q. Did there come a time when you came into contact with Rah

02:01PM 13 Rah after you had been arrested?

02:01PM 14 A. Yeah.

02:01PM 15 Q. Can you describe what happened?

02:01PM 16 A. I had a case, like, a city case. I think I was in

02:01PM 17 Allegany County at the time. I had a city case, so they --

02:01PM 18 the sheriff from downtown came and got me and put me in the

02:01PM 19 Holding Center and they moved me to the block that Roderick

02:01PM 20 Arrington, Rah Rah, was on.

02:01PM 21 Q. They -- I'm sorry. I missed that.

02:01PM 22 A. They moved me to the block that Rah Rah was on.

02:01PM 23 Q. And that was at the Holding Center?

02:01PM 24 A. Yes.

02:01PM 25 Q. What happened when you saw Rah Rah?

02:01PM 1 A. I think he was playing chess. I seen him, he seen me. I
02:01PM 2 approached him. He asked me what I was doing here. I told
02:01PM 3 him I had a court case. I think it was, like, close to lock-
02:02PM 4 in time, so we was going toward my room or something. I
02:02PM 5 can't -- yeah, I can't remember exactly what time it was, but
02:02PM 6 we was going towards my room. Then me and him had a
02:02PM 7 conversation. He asked me about, was they asking anything
02:02PM 8 about him, anything like that. I told him no. Then he said
02:02PM 9 he was -- he told me Dame wasn't snitching.

02:02PM 10 Q. He said who wasn't snitching?

02:02PM 11 A. Dame.

02:02PM 12 Q. How did he know that?

02:02PM 13 A. Because he received a letter from him.

02:02PM 14 Q. From who?

02:02PM 15 A. Damon.

02:02PM 16 Q. And did you see that letter?

02:02PM 17 A. Yes.

02:02PM 18 Q. How did you come across seeing that letter?

02:02PM 19 A. He showed it to me.

02:02PM 20 Q. Did you read the letter?

02:02PM 21 A. Yeah.

02:02PM 22 Q. When Rah Rah told you that Dame -- who did you interpret
02:02PM 23 Dame to be?

02:02PM 24 A. Dame. Dame always be Damon Hunter.

02:02PM 25 Q. The Damon Hunter that you knew from the Schuele area?

02:02PM 1 A. Yeah, yeah.

02:03PM 2 Q. How did Rah Rah express himself when he showed you the

02:03PM 3 letter?

02:03PM 4 A. He was relieved.

02:03PM 5 Q. Why was he relieved?

02:03PM 6 A. Because Damon wasn't --

02:03PM 7 THE COURT: He was what?

02:03PM 8 TH WITNESS: He seemed relieved.

02:03PM 9 THE COURT: Relieved?

02:03PM 10 THE WITNESS: Yeah, because Dame wasn't telling on

02:03PM 11 him.

02:03PM 12 BY MR. LENIHAN:

02:03PM 13 Q. What do you mean, Dame wasn't telling on him?

02:03PM 14 A. Dame wasn't telling on him for the shooting.

02:03PM 15 Q. What shooting was that?

02:03PM 16 A. Killing Shooter.

02:03PM 17 Q. The letter that Damon sent Mr. Arrington, you read that

02:03PM 18 letter?

02:03PM 19 A. Yeah.

02:03PM 20 Q. After you read the letter, what did you do?

02:03PM 21 A. I went back to Allegany County and I wrote the

02:03PM 22 prosecutor, George Burgasser.

02:03PM 23 Q. Was that the federal prosecutor?

02:03PM 24 A. Yes.

02:03PM 25 Q. Who is George Burgasser?

02:03PM 1 A. He was a federal prosecutor. He's deceased.

02:03PM 2 Q. Was he originally the prosecutor on your case?

02:04PM 3 A. Yes.

02:04PM 4 Q. Do you remember when you wrote George Burgasser?

02:04PM 5 A. It was, like, after I left for home. So I don't know

02:04PM 6 exactly what date it was.

02:04PM 7 Q. If I were to show you the letter, would that refresh your

02:04PM 8 recollection as to the date you would have sent it?

02:04PM 9 A. If the date on it, yeah.

02:04PM 10 MR. LENIHAN: Permission to approach, Your Honor,

02:04PM 11 with Government Exhibit 3506B?

02:04PM 12 THE COURT: All right.

02:04PM 13 BY MR. LENIHAN:

02:04PM 14 Q. Mr. Grant, if you want to take a look at the second page,

02:04PM 15 which is a copy of the envelope.

02:04PM 16 A. Yeah.

02:04PM 17 Q. Does that refresh your recollection as to when the letter

02:04PM 18 would have been sent?

02:04PM 19 A. Yeah, in February.

02:04PM 20 Q. February what?

02:04PM 21 A. Think it say February 26 or 23rd. It's like there's two

02:05PM 22 days on there, so I don't know exactly which one.

02:05PM 23 THE COURT: Does it refresh your memory?

02:05PM 24 THE WITNESS: Oh, yeah. Yeah, that's my handwriting.

02:05PM 25 THE COURT: That's what?

02:05PM 1 THE WITNESS: That's my handwriting.

02:05PM 2 THE COURT: Does that refresh your recollection as to

02:05PM 3 what the date was?

02:05PM 4 THE WITNESS: Well, no, but I see the date on here.

02:05PM 5 So that's refresh my recollection, but looking at the

02:05PM 6 envelope, I am not going to remember what date I filled the

02:05PM 7 envelope out, no.

02:05PM 8 BY MR. LENIHAN:

02:05PM 9 Q. And what year was that?

02:05PM 10 A. 2015.

02:05PM 11 THE DEFENDANT: Objection, Your Honor.

02:05PM 12 THE COURT: Overruled.

02:05PM 13 MR. LENIHAN: Permission to approach with Government

02:05PM 14 Exhibit 41 and 41A?

02:05PM 15 THE COURT: All right.

02:06PM 16 BY MR. LENIHAN:

02:06PM 17 Q. Sir, do you recognize Government Exhibit 41?

02:06PM 18 A. Yeah.

02:06PM 19 Q. What do you recognize Government Exhibit 41 to be?

02:06PM 20 A. The letter from Dame.

02:06PM 21 Q. Is that the same letter that Mr. Arrington showed you?

02:06PM 22 A. Yeah.

02:06PM 23 Q. And you've had the opportunity to review that letter

02:06PM 24 prior to you testifying?

02:06PM 25 A. Yeah.

02:06PM 1 Q. To your knowledge, that is the same letter that
02:06PM 2 Mr. Arrington had in his possession?
02:06PM 3 A. Yes.
02:06PM 4 MR. LENIHAN: The Government would move to admit
02:06PM 5 Government Exhibit 41.
02:06PM 6 THE DEFENDANT: Objection, Your Honor.
02:06PM 7 THE COURT: Overruled.
02:06PM 8 (Government Exhibit 41 was received in evidence.)
02:06PM 9
02:06PM 10 BY MR. LENIHAN:
02:07PM 11 Q. And how about 41A, do you recognize that?
02:07PM 12 A. Yeah, it is the envelope that he pulled it out of.
02:07PM 13 Q. So did you see Mr. Arrington pull it out of that
02:07PM 14 envelope?
02:07PM 15 A. Yeah.
02:07PM 16 Q. Is that an envelope that you saw Mr. Arrington in
02:07PM 17 possession of?
02:07PM 18 A. Yeah. He was in his cell. Yeah.
02:07PM 19 Q. The same envelope you saw him pull it out of --
02:07PM 20 A. I mean, it looks like it to me.
02:07PM 21 MR. LENIHAN: The Government would move to admit
02:07PM 22 Government Exhibit 41A into evidence.
02:07PM 23 THE COURT: It will be received.
02:07PM 24 (Government's Exhibit 41 was received in evidence)
02:07PM 25

02:07PM 1 MR. LENIHAN: Permission to publish Government
02:07PM 2 Exhibit 41A, Your Honor.

02:07PM 3 THE COURT: All right. It will be admitted.

02:08PM 4 BY MR. LENIHAN:

02:08PM 5 Q. All right. So, you recognize Government Exhibit 41A
02:08PM 6 here, sir --

02:08PM 7 A. Yes.

02:08PM 8 Q. And it's addressed to who?

02:08PM 9 A. Roderick Arrington.

02:08PM 10 THE DEFENDANT: Your Honor, I object. This envelope
02:08PM 11 is from my baby mother. The area -- he's the zip code is
02:08PM 12 14207.

02:08PM 13 THE COURT: You'll be able to cross him on it.

02:08PM 14 THE DEFENDANT: It's not the envelope. It's from my
02:08PM 15 baby mother.

02:08PM 16 MR. LENIHAN: If we could publish Government Exhibit
02:08PM 17 41a?

02:08PM 18 BY MR. LENIHAN:

02:08PM 19 Q. Can you read for the jury, sir, Government Exhibit 41A?

02:08PM 20 A. You want me to read the whole letter?

02:09PM 21 Q. Please.

02:09PM 22 A. Hey, yo, brah. What's good with you? Hey, yo, niggas
02:09PM 23 just came back from church and told me that you was up there
02:09PM 24 trying to dirty my name up. What's up with that? Talking
02:09PM 25 about I put a keepaway on you, nigga, that's on my son. I

02:09PM 1 ain't got no keepaway on nobody in this fucking jail, ain't
02:09PM 2 never have. That's neither here nor there. Then you telling
02:09PM 3 niggas that I am trying to go to work on that situation. I
02:09PM 4 told you a long time ago that you ain't have to worry about
02:09PM 5 that. I always kept it 100 out that situation. Them people
02:09PM 6 kept trying to get me to go to court and I kept refusing.
02:09PM 7 Then they put a drag order on me to show up at the Grand
02:09PM 8 Jury, so I went to court and put it on record that you ain't
02:09PM 9 have nothing to do with that and you wasn't even there. I am
02:10PM 10 quite sure your lawyer told you this already. That was two
02:10PM 11 weeks ago. They not going to indict you because they ain't
02:10PM 12 got shit on you. I bet you that you ain't got no paperwork
02:10PM 13 on me. So I don't know why you trying to dirty my name up.
02:10PM 14 And as far as a keepaway, I ain't got no reason to put a
02:10PM 15 keepaway on you. Worry about all the wrong shit, bro. You
02:10PM 16 might as well take that shit all the way because they ain't
02:10PM 17 got shit on you, real talk. Well, words are short, so make
02:10PM 18 sure you get with me and let me know what's up with that.
02:10PM 19 Dame. P.S. When you push me to the kite, you can push it in
02:10PM 20 my name, Damon Hunter, ICN 106142, or you can push it in the
02:10PM 21 name on the envelope.

02:11PM 22 Q. When Mr. Arrington-- when you were reading this letter,
02:11PM 23 did -- Mr. Arrington, what did he tell you about the murder
02:11PM 24 of Quincy Balance?

02:11PM 25 A. Well, before I was reading the letter, I asked him what

02:11PM 1 was Dame snitching about. That's when he said about him
02:11PM 2 shooting Shooter.

02:11PM 3 Q. Did he say he shot Shooter?

02:11PM 4 A. Yeah. I said -- he said, Dame gonna snitch. I said, how
02:11PM 5 he know what he's talking about? He said me shooting
02:11PM 6 Shooter.

02:11PM 7 Q. Mr. Grant, as part of your cooperation with the -- or as
02:11PM 8 far or part of your case with the federal government, were
02:11PM 9 you -- did you enter into a plea agreement?

02:11PM 10 A. Yeah.

02:11PM 11 Q. What was your sentencing range in your plea agreement?

02:11PM 12 A. With the enhancement, 188 to 235.

02:11PM 13 Q. What were you sentenced to originally?

02:11PM 14 A. One hundred eighty-eight months.

02:11PM 15 Q. Did you cooperate and testify in three other proceedings?

02:12PM 16 A. Yes.

02:12PM 17 Q. Was -- do you know what a 5K is?

02:12PM 18 A. Yes.

02:12PM 19 Q. Can you tell the jury what a 5K is?

02:12PM 20 A. It is a downward departure for any -- for substantial
02:12PM 21 assistance with the government, cooperating.

02:12PM 22 Q. Was a 5K filed on your behalf after you testified?

02:12PM 23 A. Yeah, it was a Rule 35, but I think they all the same
02:12PM 24 pretty much.

02:12PM 25 Q. And did you receive a reduction in your sentence?

02:12PM 1 A. Yes.

02:12PM 2 Q. What sentence did you receive?

02:12PM 3 A. A nine-level reduction.

02:12PM 4 Q. For how many months?

02:12PM 5 A. I don't know. I just know I did 90 months altogether in

02:12PM 6 jail.

02:12PM 7 Q. Who sentenced you?

02:12PM 8 A. Judge Arcara.

02:12PM 9 MR. LENIHAN: No further questions, Your Honor.

02:12PM 10 THE COURT: All right.

02:13PM 11

02:13PM 12 CROSS-EXAMINATION

02:13PM 13

02:13PM 14 BY THE DEFENDANT:

02:15PM 15 Q. How are you doing, Mr. Grant?

02:15PM 16 A. I'm all right.

02:15PM 17 Q. Just because somebody -- just because someone live in a

02:15PM 18 neighborhood, does that mean that they are gang members?

02:15PM 19 A. Just because they live in the neighborhood?

02:15PM 20 Q. Yeah, just because somebody live in a neighborhood, does

02:15PM 21 that mean that they're automatic gang members?

02:15PM 22 A. No.

02:15PM 23 Q. Okay. When you lived on Jenner Street, did that mean

02:15PM 24 that you was a gang member in that neighborhood?

02:15PM 25 A. No.

02:15PM 1 Q. When you lived on Goulding Street, did that mean that you
02:15PM 2 was a gang member in that neighborhood?

02:15PM 3 A. No.

02:15PM 4 Q. No? Okay. When you was asked by the government on
02:16PM 5 direct about a neighborhood street gang, you testified that
02:16PM 6 you were in this gang. Is this term, Schuele Boys, something
02:16PM 7 the government just made up?

02:16PM 8 A. I wouldn't say that the government made it up because
02:16PM 9 people was calling it the Schuele Boys before we even caught
02:16PM 10 a Fed case.

02:16PM 11 Q. Okay. So, your testimony today is that you testifying
02:16PM 12 under oath today that you was a gang member of the Schuele
02:16PM 13 Boys? That's your testimony today?

02:16PM 14 A. I would say that.

02:16PM 15 Q. Okay.

02:16PM 16 THE COURT: Just one second.

02:16PM 17 THE DEFENDANT: Do you want me to repeat the
02:16PM 18 question, Your Honor?

02:16PM 19 THE COURT: Megan, could you repeat the question?

02:17PM 20 (The record was read back by reporter.)

02:17PM 21 BY THE DEFENDANT:

02:17PM 22 Q. Okay. Do you remember your prior testimony is you
02:18PM 23 testify under oath --

02:18PM 24 THE COURT: Just show it to him. Whatever else that
02:18PM 25 you are claiming he says, you will look at it, see if that

02:18PM 1 refreshes your memory on the question. If it does, you can
02:18PM 2 answer it. If it doesn't, tell us.

02:18PM 3 THE DEFENDANT: Government -- I'm going to direct to
02:18PM 4 Exhibit 3506BB.

02:19PM 5 BY THE DEFENDANT:

02:19PM 6 Q. You remember that document? That motion you sent to the
02:19PM 7 courts?

02:19PM 8 A. Typed up like this? Yeah, that's my signature. That's
02:19PM 9 definitely my signature.

02:19PM 10 Q. You remember that bail motion?

02:19PM 11 A. I don't recall typing it, but I don't even remember
02:19PM 12 putting it in, to be honest with you, but it's definitely my
02:19PM 13 handwriting. My signature is right there.

02:19PM 14 Q. That's your signature?

02:19PM 15 A. Yeah.

02:19PM 16 Q. Okay. And that's a sworn affidavit statement of bail
02:19PM 17 motion you filed to this court to be released. You filed
02:19PM 18 this bail motion to be released in your conspiracy case,
02:20PM 19 correct?

02:20PM 20 A. Well, I really, technically speaking, don't remember
02:20PM 21 filing it, but like I said, this is my signature. So, I
02:20PM 22 would assume, yeah.

02:20PM 23 THE DEFENDANT: Your Honor, can I admit that into
02:20PM 24 evidence?

02:20PM 25 THE COURT: No. Well, it's used -- whether it's an

02:20PM 1 inconsistent statement, the jury will decide whether it is or
02:20PM 2 whether it isn't, and the jury will decide what consideration
02:20PM 3 to give to the courtroom testimony.

02:20PM 4 THE DEFENDANT: Okay.

02:20PM 5 BY THE DEFENDANT:

02:20PM 6 Q. And that -- so you said that is your name and your
02:20PM 7 signature and you signed that, correct?

02:20PM 8 A. Yeah.

02:20PM 9 Q. Okay. And it states that, "according to my criminal
02:20PM 10 complaint and discoveries, my relevant conduct is minimum in
02:20PM 11 both. I am not a gang member and/or drug dealer in any way
02:20PM 12 or any act of violence in either criminal complaint or
02:21PM 13 discovery on my behalf".

02:21PM 14 You remember that?

02:21PM 15 A. No. I'm looking at the handwriting on the envelope and I
02:21PM 16 don't write my name like that, and I don't understand how
02:21PM 17 it's certified. That's definitely my signature, though. But
02:21PM 18 the envelope, the handwriting on the envelope, I don't write
02:21PM 19 my Rs like that. I don't write my name like that.

02:21PM 20 Q. You had it notarized by a public notary, sworn to in front
02:21PM 21 of that person? You signed it with your --

02:21PM 22 A. Yeah. Yeah. No, I'm not disputing that. I'm talking
02:21PM 23 about the envelope where it say Jerome Grant at. I don't
02:21PM 24 write my name like that. I'm not disputing this part where I
02:21PM 25 signed it.

02:21PM 1 Q. But it is your motion, correct, you sent to the courts,
02:21PM 2 right?

02:21PM 3 A. I guess I did.

02:21PM 4 Q. Okay. And your testimony, you swore in this affidavit
02:21PM 5 that you was not a gang member or drug dealer, correct?

02:22PM 6 A. Let's see. What did I put?

02:22PM 7 Q. I'm going to direct your attention to the first page.

02:22PM 8 A. Oh, no. I was just looking on here where I declare under
02:22PM 9 the penalty of perjury or anything, but I don't see that. So
02:22PM 10 that's what I was looking for. Yeah.

02:22PM 11 Q. It was sworn to in front of a notary public, correct;
02:22PM 12 with your signature on there, correct?

02:22PM 13 A. Well, if I got it notarized, I didn't swear anything in
02:22PM 14 front of the notary.

02:22PM 15 Q. But you signed it, and that's what notaries do.

02:22PM 16 A. Yeah, I definitely --

02:22PM 17 Q. They are witness to that document that you signed that
02:22PM 18 you wanted notarized.

02:22PM 19 A. But I don't think they read it, though, so I don't think
02:22PM 20 they would know what it was.

02:22PM 21 Q. But that's not my question, sir. My question is, did you
02:22PM 22 get it notarized as a sworn document, that you got it
02:22PM 23 notarized, that you typed up for your bail release?

02:22PM 24 A. Well, I got it notarized, but I'm not sure if I swore
02:22PM 25 anything. I don't want to lie.

02:22PM 1 Q. But you sent it to Judge Scott for you to be released on
02:23PM 2 bail, correct?

02:23PM 3 A. I don't know if I sent it, because, again, that -- on the
02:23PM 4 envelope, that's not my handwriting.

02:23PM 5 Q. On the first page, I'm going to direct you -- the first
02:23PM 6 page, it say from.

02:23PM 7 A. Yeah.

02:23PM 8 Q. It says from Jerome Grant, jail number -- I mean, case
02:23PM 9 number 14-CR-134A. This is your indictment case number,
02:23PM 10 correct?

02:23PM 11 A. Yes, it is.

02:23PM 12 Q. Okay. And you was in 40 Delaware on May 19th, 2015?

02:23PM 13 A. Possibly.

02:23PM 14 Q. This is what the sworn notary said, though, correct?

02:23PM 15 A. I just don't see where it say sworn to anything on that,
02:23PM 16 though. That's the part that you --

02:23PM 17 Q. I'm going to direct you to the back of the page. It says
02:23PM 18 --

02:23PM 19 A. Yeah, it says Scott Harvey, Commissioner of Deeds, in and
02:23PM 20 for the City of Buffalo, Erie County, New York, sworn before
02:23PM 21 this.

02:23PM 22 Q. It's your document. This is what you filed to the courts
02:23PM 23 to get bail on your case, correct?

02:23PM 24 A. I mean, yeah, I guess.

02:23PM 25 Q. Okay. And you agree that you stated in this bail motion

02:24PM 1 that you are not a gang member or drug dealer, correct?

02:24PM 2 A. Well --

02:24PM 3 Q. If you read it, if you go to the page, could you read to
02:24PM 4 the jurors what it says -- application of bail motion. It
02:24PM 5 says, Dear Judge Scott. Could you continue to read that to
02:24PM 6 the jurors, please?

02:24PM 7 A. Dear, Judge Scott -- want me to read the whole letter?

02:24PM 8 Q. Yes, where it get to -- I'll tell you to stop when you
02:24PM 9 get there.

02:24PM 10 A. Application for bail motion. Dear, Judge Scott, as you
02:24PM 11 know, I have been detained since July of 2014. I have been
02:24PM 12 charged with one count of conspiracy on August 4th, 2014. I
02:24PM 13 was ordered detained but without prejudice. Although I am
02:25PM 14 still currently on federal probation, I have not been
02:25PM 15 violated by any means by the Honorable Judge Skretny.
02:25PM 16 Although I reference my innocence in this case against me.
02:25PM 17 According to the criminal complaint and discoveries, my
02:25PM 18 relevant conduct is minimum in both. I am not a gang member
02:25PM 19 and or a drug dealer. Nor is this --

02:25PM 20 Q. You can stop right there.

02:25PM 21 A. Okay. Actually, I do remember this now. Boogy wrote
02:25PM 22 this. We was both in the Holding Center together. He had
02:25PM 23 a --

02:25PM 24 Q. But you swore to --

02:25PM 25 A. Yeah. We was in the Holding Center, and I think he had,

02:25PM 1 like, a probation violation or something like that in city
02:25PM 2 court and I had gave him -- I had let him see the complaint
02:25PM 3 and everything. Yeah, he wrote this. I remember that now.
02:25PM 4 But I definitely signed it and I did.
02:25PM 5 Q. You asked him to do this for you?
02:25PM 6 A. No.
02:25PM 7 Q. So, you just got something sworn. You sworn to something
02:26PM 8 that you didn't have nothing to do with that?
02:26PM 9 A. I mean, yeah. He wrote it. He definitely wrote it.
02:26PM 10 Q. You testifying under oath in front of the jury today?
02:26PM 11 A. Yeah.
02:26PM 12 Q. You understand that, right?
02:26PM 13 A. Yeah. No. If you look back when this was wrote around
02:26PM 14 that time, you put -- you can see Boogy was in the Holding
02:26PM 15 Center.
02:26PM 16 Q. It's a part of the court's document. It's a part of the
02:26PM 17 Government Exhibits that this is yours, correct?
02:26PM 18 A. Oh, okay. I signed it.
02:26PM 19 Q. Okay. Did you ever witness me commit any crimes?
02:26PM 20 A. No, I can't say I have seen you commit any crimes.
02:26PM 21 Q. You said you seen me at a club, at Maggie's?
02:27PM 22 A. Yeah.
02:27PM 23 Q. And I asked, was you all right?
02:27PM 24 A. Yeah.
02:27PM 25 Q. And you stated that this meant that I was going to hit

02:27PM 1 someone for you?

02:27PM 2 A. My perception.

02:27PM 3 Q. That's what that mean when someone say, is you all right?

02:27PM 4 A. That was my perception at the time.

02:27PM 5 Q. And it goes all the way to, someone is going to commit a

02:27PM 6 crime for you?

02:27PM 7 A. That was my perception.

02:27PM 8 Q. And your testimony to the Grand Jury is -- or I mean to

02:27PM 9 the jury is that, I said this at a club, a night club, and I

02:27PM 10 have a GPS ankle monitor on; that I got a curfew, parole

02:27PM 11 curfew at 9 o'clock?

02:27PM 12 A. I don't think that you was on the ankle monitor then

02:27PM 13 because that's what -- -

02:27PM 14 Q. That's what you stated. That was your testimony today,

02:27PM 15 correct?

02:27PM 16 MR. LENIHAN: Objection. That's a

02:27PM 17 mischaracterization.

02:27PM 18 THE WITNESS: Yeah, well, I was talking about when I

02:27PM 19 came to see you when you was on an ankle monitor at your mom

02:27PM 20 house, when you was talking about taking hits. You asked me

02:27PM 21 at Maggie's, that was something different. That was a

02:27PM 22 different time.

02:27PM 23 BY THE DEFENDANT:

02:27PM 24 Q. And you saying that I offered my assistance to -- at a

02:27PM 25 club just out of nowhere and just said, you want me to hit

02:27PM 1 somebody for you, huh?

02:27PM 2 A. Yeah.

02:27PM 3 Q. But you also testified and said that me and you don't

02:28PM 4 even get along or we don't even mess with each other. We not

02:28PM 5 even friends like that, right? Correct?

02:28PM 6 A. I don't like dealing with you, yeah. I don't deal with

02:28PM 7 you.

02:28PM 8 Q. So, why would I ask with you, if me and you don't mess

02:28PM 9 with each other or if we're not even friends or talk to each

02:28PM 10 other like that, if I don't deal with you like that, why

02:28PM 11 would I ask you, is you okay or did you want me to hit

02:28PM 12 somebody for you?

02:28PM 13 A. Because you was going to charge me. You wasn't going to

02:28PM 14 do it for free.

02:28PM 15 Q. Okay. Wow, this is crazy.

02:28PM 16 Did the government ask you to say certain things during

02:28PM 17 your testimony to complete they case to -- for your time to

02:28PM 18 get reduced [sic]? Because you was facing 188 months to 235

02:28PM 19 months, and you came into a cooperation agreement with the

02:28PM 20 government, and you got a nine-level deduction, correct?

02:28PM 21 A. Correct.

02:28PM 22 Q. And when you got that -- before you got the nine-level

02:29PM 23 deduction, you were still in prison waiting for your Rule 35

02:29PM 24 to go through -- your Rule 35 motion to go through, correct?

02:29PM 25 A. Correct.

02:29PM 1 Q. And this was around the beginning of this year, correct?

02:29PM 2 A. The beginning of this year? Yeah, I got released, yeah,

02:29PM 3 in February.

02:29PM 4 Q. This year. And you remember writing a letter to Timothy

02:29PM 5 Lynch, AUSA Timothy Lynch, regarding your Rule 35 motion?

02:29PM 6 A. Yeah.

02:29PM 7 Q. You remember writing a letter to Timothy Lynch, because

02:29PM 8 you was wondering why it took so long for them to answer your

02:30PM 9 Rule 35 motion and it was kind of pissing you off?

02:30PM 10 A. I would probably have to see the letter to say what I

02:30PM 11 said verbatim because --

02:30PM 12 THE DEFENDANT: Can I admit Government Exhibit

02:30PM 13 3506MM --

02:30PM 14 MR. LENIHAN: Objection.

02:30PM 15 THE DEFENDANT: -- Your Honor?

02:30PM 16 THE COURT: Sustained.

02:30PM 17 THE DEFENDANT: Can I show him the letter, Your

02:30PM 18 Honor, 3506MM?

02:30PM 19 THE COURT: All right. Is that exhibit, is there a

02:30PM 20 number on that exhibit?

02:30PM 21 THE DEFENDANT: Yeah, 3506MM, Your Honor.

02:30PM 22 BY THE DEFENDANT:

02:30PM 23 Q. That's your letter? You wrote that letter?

02:31PM 24 A. Yeah, this is my handwriting.

02:31PM 25 Q. And you sent that letter to the United States Attorney's

02:31PM 1 Office, correct?

02:31PM 2 A. Correct.

02:31PM 3 Q. Because you wanted a response on your motion, correct?

02:31PM 4 A. Correct.

02:31PM 5 THE DEFENDANT: Your Honor, can I --

02:31PM 6 BY THE DEFENDANT:

02:31PM 7 Q. And you authorized that letter? You authored that

02:31PM 8 letter? It's the same as when you sent to the Court?

02:31PM 9 A. Yeah, besides being a copy, yes, this is my handwriting.

02:31PM 10 THE DEFENDANT: Your Honor, can I admit that letter
02:31PM 11 into evidence?

02:31PM 12 MR. LENIHAN: Objection.

02:31PM 13 THE COURT: Sustained.

02:31PM 14 THE DEFENDANT: Your Honor, it goes into his
02:31PM 15 cooperation.

02:31PM 16 THE COURT: I think I already ruled on it.

02:31PM 17 THE DEFENDANT: Can I rephrase the question then,
02:31PM 18 Your Honor?

02:31PM 19 THE COURT: All right. Rephrase the question.

02:32PM 20 BY THE DEFENDANT:

02:32PM 21 Q. At this time, for all the cooperation you have done for
02:32PM 22 the government after four years, you sitting in jail, you
02:32PM 23 didn't get none of your time redacted, correct?

02:32PM 24 A. Correct.

02:32PM 25 Q. And you was pretty upset? You was pretty mad about

02:32PM 1 sitting in jail all this time, and you testified at trials
02:32PM 2 and you did what you was -- what the government asked you to
02:32PM 3 do and you still was sitting in jail, correct? You was
02:32PM 4 pretty upset about this, correct?
02:32PM 5 A. Yeah.
02:32PM 6 Q. And you was so mad that you sent this letter to the
02:32PM 7 United States Attorney's Office, correct; because you didn't
02:32PM 8 get your time off, correct?
02:32PM 9 A. Right.
02:32PM 10 Q. And in this letter, you was explaining about how much
02:33PM 11 time you was supposed to get off, correct?
02:33PM 12 A. I probably have to read the letter to see it here.
02:33PM 13 Q. Would looking at that letter refresh your recollection?
02:33PM 14 A. Yeah, I see what you are saying. Yeah, I see what you
02:33PM 15 are saying.
02:33PM 16 Q. And you was pretty upset that you sat in jail from --
02:33PM 17 from when you testified at the first proceeding in 2017, and
02:33PM 18 you did what the government asked you to do, and you still
02:33PM 19 was sitting in jail four, five years later without getting
02:33PM 20 your time reduced up under the agreement you came up on with
02:33PM 21 the government; your cooperation agreement, correct?
02:33PM 22 A. And you asked me, was I upset at the time about that?
02:33PM 23 Q. You was very upset that you was sitting in jail all this
02:33PM 24 time and you never got your cooperation time deducted and you
02:33PM 25 wrote this letter explaining this to him about --

02:33PM 1 A. Yes. So, what you asking me? I want to make sure I

02:34PM 2 understand what you asking me. You asking me that, was I

02:34PM 3 upset about still being in jail without receiving no

02:34PM 4 cooperation credit?

02:34PM 5 Q. Right. And you wrote that letter?

02:34PM 6 A. Yes.

02:34PM 7 Q. And you was pretty upset?

02:34PM 8 A. Yeah. Want me to say it again?

02:34PM 9 Q. Yes.

02:34PM 10 A. I was upset.

02:34PM 11 Q. Okay. And you stated in this letter that you was being

02:35PM 12 briefed, you was being questioned by the United States

02:35PM 13 Attorneys and different agents without your lawyer present,

02:35PM 14 correct?

02:35PM 15 A. I'd have to read that reference.

02:35PM 16 Q. It's on the -- it's, like, on the first page, the 17th

02:35PM 17 line.

02:35PM 18 A. Yeah. I see, yeah. I said that.

02:35PM 19 Q. And you said that you was being questioned without your

02:35PM 20 lawyer being present. At a lot of these times, you was being

02:35PM 21 questioned without your lawyer present and a lot of this

02:35PM 22 stuff that you said wasn't true, correct?

02:35PM 23 A. I said that? Can you tell me what line you said I said

02:36PM 24 it wasn't true?

02:36PM 25 Q. It's like on the 18th page, 17th page.

02:36PM 1 A. Page or line?

02:36PM 2 Q. You stated in the letter on the lane -- on the line,

02:36PM 3 17th, 18th line, you said that when you was -- when it was

02:36PM 4 time for you to testify against Aaron Hicks, the government

02:36PM 5 came back there and told you, just agree with them, say what

02:36PM 6 they say, just agree what they say. You remember that?

02:36PM 7 A. I don't see what you saying. You said the 18th line?

02:36PM 8 Q. Starting from the top with Timothy Lynch, where it say,

02:36PM 9 that's first, the first line.

02:36PM 10 A. Okay. Nineteen down.

02:36PM 11 Q. The 20th line. The 20th line. You stated in this letter

02:37PM 12 that they wanted you to come testify against Aaron Hicks and

02:37PM 13 you refused and they came back there and said, we just want

02:37PM 14 you to say -- just follow along with us and just agree with

02:37PM 15 us, everything we said, and if you don't testify against

02:37PM 16 Boogy --

02:37PM 17 A. Yeah, I see what you're saying, but it's like -- but you

02:37PM 18 not saying it the way it's written down on the paper.

02:37PM 19 Q. I didn't hear you.

02:37PM 20 A. You not saying it exactly how it's written down on the

02:37PM 21 paper.

02:37PM 22 Q. I'm asking you do you remember this stuff?

02:37PM 23 A. I remember writing this letter.

02:37PM 24 Q. And you stated that they told you --

02:37PM 25 A. But it's the way you're saying it.

02:37PM 1 Q. -- if they told you to just agree with us? We want you
02:37PM 2 to testify against Aaron Hicks. Just agree with us, and we
02:37PM 3 will ask you questions, and just agree with us. And you
02:38PM 4 refused to. And they said, if you don't testify against
02:38PM 5 Aaron Hicks, Aaron Hicks is going to get out and kill you for
02:38PM 6 testifying against Mr. Arrington. You remember that?
02:38PM 7 A. But I don't see the part where you say he said just agree
02:38PM 8 with us. That's the part where I'm lost at. I can't see it
02:38PM 9 on there. So, you want me to say something that I didn't
02:38PM 10 write down. If it's on here, I said it. I'll say I said it.
02:38PM 11 Q. I said, things went on. Things went on like AUSA agents
02:38PM 12 questioned and briefed me without my attorney present.
02:38PM 13 A. Yeah.
02:38PM 14 Q. That happened a few times and special agent on the case
02:38PM 15 telling you, if you don't testify against Boogy, he will kill
02:38PM 16 you for Rah Rah, if we -- and you was standing right there
02:38PM 17 with no lawyer present again. And this is when they was
02:38PM 18 trying to force you to testify against Mr. Hicks. Then you
02:38PM 19 said one of the most damaging things got to Boogy trial, how
02:39PM 20 while they were on break, the AUSA Wei and the special agent
02:39PM 21 came and told me that if I changed the plans and I go with
02:39PM 22 what they say, this happened right before I was sent to the
02:39PM 23 stand. So, you saying that --
02:39PM 24 A. That's not what you said.
02:39PM 25 Q. This is what the letter said.

02:39PM 1 A. Yeah, I wrote that, but what you -- how you just read it,
02:39PM 2 but you was saying it differently.

02:39PM 3 Q. Okay. But you wrote this letter, and that's what
02:39PM 4 happened, right? They was telling you what to say, telling
02:39PM 5 you things to say against Aaron Hicks, right, because you was
02:39PM 6 refusing to testify, correct?

02:39PM 7 A. They came and said that?

02:39PM 8 Q. They came and told you that if you don't testify against
02:39PM 9 Mr. Hicks, all's you got to do is to follow along with what
02:39PM 10 we're saying, we need you to say this and just agree with us,
02:39PM 11 correct?

02:39PM 12 A. Well, they didn't say it like that, but --

02:39PM 13 Q. This is what it states in the letter.

02:39PM 14 A. But the way you putting it, he didn't say it like that.

02:39PM 15 Q. And then you went further on in the letter, and you
02:40PM 16 stated that, again, you said, the only one in jail, Ra Ra
02:40PM 17 going to be home soon and your officers -- your office going
02:40PM 18 to be under investigation. So please just call up here and
02:40PM 19 release me immediately. That's all I am asking.

02:40PM 20 Do you remember saying that?

02:40PM 21 A. No. You got to tell me what line.

02:40PM 22 Q. It's on the back of the page. You can start at the top
02:40PM 23 of the page.

02:40PM 24 A. Okay.

02:40PM 25 Q. And just read it out loud for the jurors, please.

02:40PM 1 A. All right. My word on everything I love, I get the drug
02:40PM 2 program, I will be out of jail in three years, five max. I
02:40PM 3 can do that, but I am going to be the only one in jail. Ra
02:41PM 4 Ra and Boogy going to be home and y'all office going to be
02:41PM 5 under investigation. So please just call me.
02:41PM 6 Yup. I said that.
02:41PM 7 Q. Keep reading.
02:41PM 8 A. Okay. No problem. And release me immediately. That's
02:41PM 9 all I am asking.
02:41PM 10 You want me to keep going?
02:41PM 11 Q. Yeah, go all the way to the finish.
02:41PM 12 A. All right. You think because you sent me back that y'all
02:41PM 13 in the clear? No. It don't work like that. I ain't one of
02:41PM 14 them bitches you can just fuck and throw away. I'm like a
02:41PM 15 bitch you fuck with herpes. I just pop up out the blue when
02:41PM 16 you least expect it and at the worst times.
02:41PM 17 Keep going?
02:41PM 18 Q. Yeah. Keep going until you finish.
02:41PM 19 A. My next letter going to be to the appeal court and the
02:41PM 20 Department of Justice and trust me on that one. Try to fuck
02:41PM 21 me. This some pussy you going to wish you never stuck your
02:41PM 22 dick in. Get me out of jail now. I'm done being nice and
02:41PM 23 waiting on y'all.
02:41PM 24 P.S. Just in case you don't understand what I'm saying,
02:42PM 25 do not pull me from this jail to court. If you want me to

02:42PM 1 testify, release me, and let me get my own way to Buffalo.

02:42PM 2 What I'm saying, release me away -- anyway immediately. I

02:42PM 3 don't have to come to court to be resentenced under Rule 35.

02:42PM 4 You might be in your feelings, but trust me, it's better to

02:42PM 5 release me.

02:42PM 6 Q. Back to the beginning of the page, can you start from the

02:42PM 7 top where it say Timothy Lynch?

02:42PM 8 MR. LENIHAN: Judge, he's having the witness read the

02:42PM 9 entire letter. He can ask questions about the letter

02:42PM 10 obviously, but --

02:42PM 11 THE DEFENDANT: Yeah, what's I am asking.

02:42PM 12 MR. LENIHAN: If there's an inconsistent statement --

02:42PM 13 THE COURT: No speeches. What's your objection?

02:42PM 14 MS. LENIHAN: The objection is, he was having the

02:42PM 15 witness read the letter. He can ask about if there's any

02:43PM 16 inconsistent statements. He's got to ask the question and

02:43PM 17 then impeach.

02:43PM 18 THE COURT: Sustained.

02:43PM 19 BY THE DEFENDANT:

02:44PM 20 Q. You can set the letter down for a minute. Okay. During

02:44PM 21 the time at Aaron Hicks' trial, during the break, during the

02:44PM 22 break, do you recall agents coming back there with the AUSA

02:44PM 23 stating to you that there's a change of plans and we need you

02:44PM 24 to just go with the flow and just agree with us to what

02:45PM 25 this -- to what I am saying? Do you remember that?

02:45PM 1 A. I got to look at the letter to make sure it was worded
02:45PM 2 like that, but hold on.

02:45PM 3 Q. No, don't look at the letter. I'm asking you a question.
02:45PM 4 Did that happen?

02:45PM 5 A. I don't remember it happening like that then. I can't
02:45PM 6 tell you yes or no without looking at the letter because I
02:45PM 7 don't remember.

02:45PM 8 Q. So if looking at the letter refreshed your recollection,
02:45PM 9 would that refresh of what took place?

02:45PM 10 A. I mean, I wrote it. This is my handwriting. So, that's
02:45PM 11 about as far as, like, refreshing my recollection is going to
02:45PM 12 be. Do you see what I am saying?

02:45PM 13 Q. Well, take a look at it. That's all I am asking.

02:45PM 14 A. First you told me not to. What line is that?

02:46PM 15 Q. Twenty-two.

02:46PM 16 A. Twenty-two? I think you mean 23, because 22 --

02:46PM 17 Q. Twenty-two, it start from the corner. It say how, wow,
02:46PM 18 and just go down to the next paragraph.

02:46PM 19 A. I don't see what you saying. Oh, how -- okay. I see it
02:46PM 20 now. Okay. Now, what did you -- what was your question?

02:47PM 21 Q. Is it true that, on break at this proceeding, that the
02:47PM 22 agents and AUSA came back and said, there's a change of
02:47PM 23 plans, we need you just to go with the flow and agree to what
02:47PM 24 I am saying?

02:47PM 25 A. I see the go-with-the-flow part, but I don't see the

02:47PM 1 agree with what they saying part.

02:47PM 2 Q. Yes. It said, it's a change of plans and just go with

02:47PM 3 what I -- what he say. This happened right before you were

02:48PM 4 set to take the stand, right before you took the stand, and

02:48PM 5 came back there on break and told you to just go with the

02:48PM 6 flow. That's true?

02:48PM 7 A. It don't say go with the flow. That's what I'm saying.

02:48PM 8 So, if you want me to say go with the flow, that's not in

02:48PM 9 here. I can't say that.

02:48PM 10 Q. Okay. Okay. My mistake. I'm sorry. It said, change of

02:48PM 11 plan, and go with what he say. And you say this happened

02:48PM 12 right before you were set to take the stand, correct?

02:48PM 13 A. Yes.

02:48PM 14 Q. And they came back you and told you, just go with what he

02:48PM 15 said, right? That's what happened? Right before you got on

02:48PM 16 the stand, they came and told you this, correct?

02:48PM 17 A. Yeah.

02:48PM 18 Q. And this letter was because they never gave you your time

02:48PM 19 and you felt like a bitch for testifying for them, doing what

02:49PM 20 they tell you to say and they left you in jail without no

02:49PM 21 time reductions and this is why you wrote this letter,

02:49PM 22 correct? As soon as you wrote letter, they let you out

02:49PM 23 because you said you was going to write the Department of

02:49PM 24 Justice and you was going to file a complaint? And as soon

02:49PM 25 as you did that, they let you right out; correct, and you got

02:49PM 1 a nine-level reduction?

02:49PM 2 A. Well, they didn't let me right out. And I didn't write

02:49PM 3 the letter because I felt like a bitch. I think I was more

02:49PM 4 frustrated at a time. I probably had a lot -- I don't know.

02:49PM 5 I can't remember exactly what was going on at that time in my

02:49PM 6 mind as far as mentally, but I know I wasn't feeling like no

02:49PM 7 bitch.

02:49PM 8 Q. No, that's what the letter -- I am just going with what

02:49PM 9 you say in the letter.

02:49PM 10 A. I said I felt like a bitch?

02:49PM 11 Q. Yeah.

02:49PM 12 A. No, that's not --

02:49PM 13 Q. You said you felt like a -- you state, I just pop up out
02:50PM 14 of blue when you first least expect it?

02:50PM 15 A. What that got to do with my feelings?

02:50PM 16 Q. My next letter is going to the appeal court and the
02:50PM 17 Department of Justice, and trust me on that one. Try to fuck
02:50PM 18 me, this some pussy you going wish you ain't never stick your
02:50PM 19 dick in. Get me out of jail now. I am done playing nice.

02:50PM 20 A. Oh, so you assuming that I wrote the letter because I
02:50PM 21 felt like a bitch. I didn't say I felt like a bitch, though.

02:50PM 22 Q. No, no. I'm just -- tell me if that's what you're
02:50PM 23 saying.

02:50PM 24 A. No, I didn't say that. I didn't say I felt like a bitch,
02:50PM 25 though.

02:50PM 1 Q. This is what the letter states, correct --

02:50PM 2 A. No. I didn't say I felt like a bitch.

02:50PM 3 Q. -- that you was mad about not getting your reduction

02:50PM 4 because you did all this stuff for the government and you was

02:50PM 5 just sitting in jail, correct?

02:50PM 6 MR. LENIHAN: Objection, asked and answered.

02:50PM 7 THE COURT: Sustained.

02:50PM 8 BY THE DEFENDANT:

02:51PM 9 Q. You was charged in a drug conspiracy, case number

02:51PM 10 14-CR-134, correct?

02:51PM 11 A. I am assuming that's the docket number.

02:51PM 12 Q. That's the indictment number, correct?

02:51PM 13 A. I am assuming it is.

02:51PM 14 Q. Okay.

02:51PM 15 A. I would have to have a document in front of me to be

02:51PM 16 sure.

02:51PM 17 Q. And in that case, there was wiretap targeting telephones

02:51PM 18 by Vanessa Paris, correct; Special Agent Vanessa Paris?

02:51PM 19 A. I think that's her name.

02:51PM 20 Q. Okay. And in that case, all interpretations of the

02:51PM 21 intercepted wire and electronic communication would target

02:51PM 22 telephones, including over 17,000 completed calls, and text

02:51PM 23 messages of 2,900 criminal activities of the alleged Schuele

02:51PM 24 Boys, correct?

02:51PM 25 A. Say that one more time.

02:51PM 1 Q. I said it was over 7,000 -- 17,000 completed calls and
02:52PM 2 text message of over 2,900 criminal activities of the alleged
02:52PM 3 Schuele Boys, correct? That was in your indictment, correct?
02:52PM 4 A. I would have to see the indictment to be sure.
02:52PM 5 Q. Wiretaps and stuff?
02:52PM 6 A. Yeah. I would have to see it to be sure. I don't know
02:52PM 7 exactly how many it was because I didn't make all those calls
02:52PM 8 and text messages, so I really can't answer that.
02:52PM 9 Q. But your case involved wiretap, correct?
02:52PM 10 A. Yeah.
02:52PM 11 Q. From a lot of targeted telephone calls and your people --
02:52PM 12 people that was involved in your case, correct?
02:52PM 13 A. I mean, yeah.
02:52PM 14 Q. Okay. Is Black, the rapper, charged in this indictment
02:52PM 15 with RICO conspiracy?
02:52PM 16 A. To my knowledge, no.
02:52PM 17 Q. Okay. How about a drug conspiracy? Is this case -- or
02:53PM 18 is Black indicted in a drug conspiracy in this indictment?
02:53PM 19 A. Far as I know, no.
02:53PM 20 Q. Okay. Okay. Is Black, the rapper, charged with a drug
02:53PM 21 conspiracy in your case or in your indictment?
02:53PM 22 A. Far as I know, no.
02:53PM 23 Q. Okay. So, Black, the rapper, was not charged in any of
02:53PM 24 this -- in any of these indictments? He's not charged with
02:53PM 25 any drug conspiracy or any RICO conspiracy, correct?

02:53PM 1 A. As far as I know, no.

02:53PM 2 Q. Okay. Is Black, the rapper, charged with the RICO or

02:53PM 3 being accused as an alleged Schuele Boys gang member?

02:53PM 4 A. You're talking about as far as federally or anything?

02:53PM 5 Q. In this case, is he charged in this case with RICO, being

02:54PM 6 a gang member? Is Serious Black charged? The rapper, is he

02:54PM 7 charged?

02:54PM 8 A. As far as I know, no.

02:54PM 9 Q. He's not charged with anything, correct?

02:54PM 10 A. I don't know.

02:54PM 11 Q. Okay.

02:54PM 12 A. I wasn't charged with him, so --

02:54PM 13 Q. He's not on your indictment?

02:54PM 14 A. As far as I know, he's not, but --

02:54PM 15 Q. He's not on this indictment, correct?

02:54PM 16 A. I mean, I don't know.

02:54PM 17 THE COURT: All right. That's enough of this. This

02:54PM 18 has nothing to with this case we're on trial here. Go to

02:54PM 19 another area.

02:54PM 20 THE DEFENDANT: Okay. I'm allowed to ask these

02:54PM 21 questions. Okay.

02:54PM 22 BY THE DEFENDANT:

02:55PM 23 Q. So, you on indictment, on your own indictment with 17

02:55PM 24 others, correct, that involved wiretap, targeted telephones?

02:55PM 25 A. Again, I would have to see the actual indictment to know

02:55PM 1 exactly and remember how many people was on there and what's
02:55PM 2 on the indictment. I don't know verbatim. So, if you want
02:55PM 3 me to about the indictment, just let me see it.
02:55PM 4 Q. That investigation started from 2010 from the City Grill
02:56PM 5 massacre, correct?
02:56PM 6 A. I don't know. I would have to look at the indictment.
02:56PM 7 Q. Are you aware of me going to prison back in 2006?
02:56PM 8 A. Am I aware of you going to prison back in 2006?
02:56PM 9 Q. Back in 2006, yes.
02:56PM 10 A. When they charged you with shooting at somebody? Is that
02:56PM 11 the time?
02:56PM 12 Q. Yes.
02:56PM 13 A. I don't know if it was 2006. I thought it might have
02:56PM 14 been '05, but it was around there.
02:56PM 15 Q. Okay. Do you remember my ex-wife was attacked when she
02:56PM 16 was five months pregnant with my baby girl beside her and her
02:57PM 17 daughter father attacked her and beat her down that day?
02:57PM 18 MR. LENIHAN: Objection.
02:57PM 19 THE COURT: That has nothing to do with this case
02:57PM 20 here.
02:57PM 21 THE DEFENDANT: They brought it in, Your Honor.
02:57PM 22 THE COURT: I'm going to --
02:57PM 23 THE DEFENDANT: They brought it in. They brought it
02:57PM 24 in as part of the RICO conspiracy.
02:57PM 25 THE COURT: Go with the parts of the RICO. Enough.

02:57PM 1 Go ahead.

02:57PM 2 THE DEFENDANT: Can we excuse the jurors, please,

02:57PM 3 Your Honor, so --

02:57PM 4 THE COURT: No. Finish your questioning of this

02:57PM 5 witness or I'm going to take the witness off the stand.

02:57PM 6 THE DEFENDANT: Can I rephrase the question, Your

02:58PM 7 Honor?

02:58PM 8 THE COURT: Well, all right.

02:58PM 9 BY THE DEFENDANT:

02:58PM 10 Q. I went to prison back in 2006 for a domestic violence

02:58PM 11 love triangle situation, correct?

02:58PM 12 MR. LENIHAN: Objection.

02:58PM 13 THE COURT: Sustained.

02:58PM 14 BY THE DEFENDANT:

02:59PM 15 Q. You know about the Second Amendment?

02:59PM 16 A. What you talking about? Like as far as carrying

02:59PM 17 firearms?

02:59PM 18 Q. The right to bear firearms.

02:59PM 19 THE COURT: You're talking about the Second Amendment

02:59PM 20 of the Constitution?

02:59PM 21 THE DEFENDANT: Yeah. I'm asking do he know about

02:59PM 22 the Second Amendment.

02:59PM 23 THE COURT: Mr. Lenihan, do you have any objection to

02:59PM 24 this?

02:59PM 25 MR. LENIHAN: I don't know what's going to be asked.

02:59PM 1 THE COURT: He wants to know whether he's aware of
02:59PM 2 the Second Amendment of the Constitution of the United States.
02:59PM 3 THE WITNESS: I mean, sort of.
02:59PM 4 THE COURT: Ladies and gentlemen, my court reporter
02:59PM 5 has indicated to me that she's exhausted.
02:59PM 6 THE WITNESS: Oh, man.
02:59PM 7 THE COURT: So, we'll bring this hearing to a close
02:59PM 8 today. We will return on Monday at what time? As I said, my
03:00PM 9 court reporter has got difficulty with her back today and
03:00PM 10 hopefully a little rest during the weekend. So, we're going
03:00PM 11 to go Monday from nine to one. So we'll go to one o'clock,
03:00PM 12 okay? And then the rest of the week should be a clear shot.
03:00PM 13 I don't think there's anything else. I have pretty much taken
03:00PM 14 everything else off my calendar so that we can move the case
03:00PM 15 forward. Okay?
03:00PM 16 Ladies and gentlemen, during the recess, please do not
03:00PM 17 discuss the case with anyone, do not discuss it amongst
03:00PM 18 yourselves. Keep an open mind. Do not form any opinion or
03:00PM 19 judgment. Wait until you have heard all the evidence in the
03:00PM 20 case and you have heard from the summations from counsel and
03:00PM 21 Mr. Arrington, and the Court has instructed you on the law.
03:01PM 22 Enjoy the weekend. And hope the weather is good. We'll see
03:01PM 23 you Monday morning at 9 o'clock. Court will be in recess.
03:01PM 24 THE CLERK: All rise.
25 (Court recessed at 3:01 p.m.)

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I certify that the foregoing is a
correct transcription of the proceedings
recorded by me in this matter.

s/ Megan E. Pelka, RPR

Official Court Reporter